



January 6, 2017

By E-mail

(See Distribution List)

Dear Counsel:

**Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
Tribunal File: T1340/7008**

The present letter is to follow up on the Panel's email of January 4, 2017 to the parties concerning the filing of submissions in response to the parties' December 22 and 23, 2016 correspondence.

The Panel has carefully considered all correspondence and submissions and issues the following direction:

In its September 14, 2016 ruling, the Panel requested that INAC explain in its compliance report why it formulated its definition of Jordan's Principle as "children with disabilities and those who present with a discrete, short-term issue for which there is a critical need for health and social supports" so that the Panel could assess its full impact. The Panel wrote that this will also form part of the discussions at the upcoming in-person case management meeting (see 2016 CHRT 16, para. 119). The Panel had anticipated it would require a compliance report and further explanation from a Health Canada representative following the report in order to fully answer the Panel's and the parties' questions.

The Panel was not able to obtain answers to its questions at the November 8, 2016 in-person case management meeting. Given the hearing would provide an opportunity for the Panel and the parties to ask questions on the compliance report, and any other question on Jordan's Principle, the Panel views this approach as the best way to address the matter in order to make a fully informed decision shortly thereafter.

For the above mentioned reasons, the Panel grants the AGC's request with the following parameters:

At the March 22-24, 2017 hearing, the Respondent is requested to call one or more witnesses that will be in a position to answer any question the Panel and the parties may have on Jordan's Principle including, and not limited to, the current process, the service coordination, the compliance report, the current definition, agreements, appeals mechanisms, etc. The witness(es) shall be able to speak to the compliance of the Panel's

orders on Jordan Principle, including that it now applies to all First Nations children and not only those on reserve (see 2016 CHRT 16, paras. 118 and 160).

In light of the above, parties are offered an opportunity to make submissions on any schedule modification they may require with respect to filing submissions on the Caring Society's motion for immediate relief regarding Jordan Principle. Should parties wish to do so, they are to file and serve their submissions no later than **January 12, 2017**.

If you have any questions or concerns further to the above, please do not hesitate to contact the undersigned by email at registry.office@chrt-tcdp.gc.ca.

Yours truly,

A handwritten signature in blue ink, appearing to read "Dragiša Adžić", enclosed in a light blue circular stamp.

Dragiša Adžić
Registry Officer

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