

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

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

Complainants (Moving Party)

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent (Responding Party)

- and -

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA
and NISHNAWBE ASKI NATION**

Interested Parties

**REPLY AFFIDAVIT OF RAYMOND SHINGOOSE
(Affirmed January 30, 2017)**

I, RAYMOND SHINGOOSE, of the Town of Yorkton, in the Province of Saskatchewan,
AFFIRM:

1. I have personal knowledge of the matters to which I hereinafter affirm, unless the matters are stated to be on my information and belief, in which case, I verily believe them to be true.

2. I have read the Respondent's Affidavit of Cassandra Lang and Affidavit of Robin Buckland, and I make this Reply Affidavit in reply to both, in support of the complainant's, the Assembly of First Nations, motion.

Reply to the Affidavit of Cassandra Lang

3. The following was stated in the Affidavit of Cassandra Lang at paragraph 34:

"In response to the Affidavit of Raymond Shingoose regarding agency funding needs at Yorkton Tribal Council Child and Family Services Inc., INAC confirms that funding in the amount of \$973,054 was provided to that agency for 2016-17 in respect of immediate relief investments. This amount was calculated according to the national methodology previously described by INAC in its submissions. Mr. Shingoose notes that there continues to be a cumulative deficit of \$1.2 million and states that it is inadequate meet the agency's needs, particularly in respect of prevention. The offer that INAC has made to First Nations delegated agencies (referenced in paragraph 7) would provide Yorkton with an opportunity to clarify and share further information about its actual needs and distinct circumstances in support of these activities. INAC commits to ongoing work with its partners, including Yorkton Tribal Council Child and Family Services Inc., to gather information about agency needs in Saskatchewan through tripartite and other regional engagement activities (as outline in paragraphs 20 and 21 above)."

4. In reply to the above quoted paragraph, the Yorkton Tribal Council Child and Family Services (YTCCFS) was not included nor privy to the discussion(s) that created the "national methodology" referred to by Ms. Lang. The YTCCFS does not know what the intention or expectation is for the national methodology, nor how it was developed. Outside of Ms. Lang's affidavit, the YTCCFS has received no information at all about the national methodology.
5. The YTCCFS assesses its actual needs based on sixteen First Nations who are currently and continue to lack services in prevention, and also in health and education needs, despite the information provided by Ms. Lang.
6. The YTCCFS does not understand INAC's rationale in its calculating the estimate of \$973,054 for this fiscal year, and its estimates for the next four years, and how those amounts are expected to meet the needs of YTCCFS. It is apparent that INAC's rationale (which should be addressing actual need) lacks an evidentiary basis.

Rather, based on the Daily Living Assessment Service Tool used to identify the gaps, a child needs to be in care at an average of \$2,500/case, thus the YTCCFS estimates a \$1,320,000 million-dollar shortfall (not \$973,054). This figure is calculated by multiplying the number of Jordan's Principle cases in the YTCCFS, which is forty-four (44), by 12 months, which totals \$1,320,000 and is a figure better reflective of the actual needs of the YTCCFS, based on information directly from the agency.

7. Further, the YTCCFS has accumulated a \$1.2 million-dollar deficit over the last 8-years because of prevention costs because the agency could only meet a fraction of the primary and secondary needs, excluding tertiary services, which has always been a challenge for our agency to fund these services, especially in mental health.
8. For example, the \$973,054 does not even begin to address our prevention needs, all it really does is address our accumulated \$1.2 million-dollar deficit. The INAC costing formula required us to downsize to 11 positions in prevention when we actually need 20 positions to meet our communities' needs. In my opinion, the immediate funding is supposed to relieve the pressure we are experiencing but from the information that is circulating, and based on Ms. Lang's affidavit, it appears such immediate funding is not on the horizon and that a continuation of the status quo will persist, which means the discrimination will persist.
9. INAC does not provide for special needs. Rather, special needs are deducted from maintenance and applied to the Children's Special Allowance (which is associated with the Family Allowance). The Children's Special Allowance is supposed to be used to fund cultural, recreation, etc. but due to funding shortfalls the allowance is used to fund maintenance. In my opinion, INAC should be paying this bill as the first service provider (and if necessary, then Health Canada). The documentation showing the cases referred to in my previous affidavit that are being refused by INAC and Health Canada can be produced in a supplemental affidavit if necessary.
10. Further, the YTCCFS has had no dealings, discussions, etc. with the Minister's Special Representative (MSR) however the agency is being forced to meet with the

MSR despite the lack of confidence the agency (and other agencies) in the MSR's mandate and ability to affect the required reform to eliminate the discrimination. There are no documents available regarding the MSR as nothing has been provided to the agencies, other than INAC's instructions that agency Directors will be meeting with the MSR during the week of February 28 – March 2, 2017.

Reply to the Affidavit of Robin Buckland

11. The following was stated in the Affidavit of Robin Buckland at paragraph 23:

"In response to Mr. Raymond Shingoose's Affidavit that references Jordan's Principle case examples, he only provides information on a child's health condition or diagnosis. He does not provide information about an unmet health or social need. To receive health and social service/supports from the Service Access Resolution Fund, a need or gap in care must be identified. I encourage Mr. Shingoose to refer all the children that are identified in his affidavit to the regional Jordan's Principle Focal Point so that the needs of these children can be assessed for service delivery. Cases that are brought to Canada's attention, where an assessed need has been identified, are processed right away."

12. In reply to the above quoted paragraph, INAC and Health Canada continue to not comply with the Tribunal's orders as a first service provider since funding is a service. As a result of the Tribunal's decision, the YTCCFS expects INAC/Health Canada to pay for the bills directly related to mental health and special needs that require medical attention, such as orthodontic needs and medicines that are deemed not insurable, and special formula required for new born infants. In my opinion, the cases referred to in my earlier affidavit would meet their requirements, and INAC as a first service provider should pay these costs and then can seek reimbursement from Health Canada afterward. As mentioned above, supporting documentation on INAC and Health Canada's refusal can be provided in a supplemental affidavit if necessary.
13. To continue, the YTCCFS is not aware of any Advisory Committee regarding Jordan's Principle, more importantly, however, even if the YTCCFS was aware, the agency doesn't have the funding to perform the navigation that INAC is suggesting.
14. Also, the YTCCFS is not aware of the Enhanced Service Coordination approach referred to in Ms. Buckland's affidavit.

15. I make this affidavit in support of the complainant's motion, the AFN, and for no other purpose.

AFFIRMED BEFORE ME at
Yorkton, in the Province of
Saskatchewan, on 30th day
of January, 2017

L. Sharma Dheen
Notary Public, Commissioner of Oaths.

*My Commission expires
on April 30, 2018.*


Raymond Shingoose