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February 15, 2019

VIA EMAIL

Judy Dubois
Registry Operations
Canadian Human Rights Tribunal
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

Dear Ms. Dubois:

**RE: FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA ET AL. V. ATTORNEY GENERAL OF CANADA
T#1340/7008**

OUR MATTER ID: 5204-002

Further to the Panel's February 5, 2019 direction that the parties provide their views on the application by the Congress of Aboriginal Peoples for standing to address the issue of the eligibility for services under Jordan's Principle of First Nations children without *Indian Act* status and who reside of reserve, I provide the following response on behalf of the Caring Society.

The Caring Society takes no position on the Congress of Aboriginal Peoples' request to intervene with respect to the definition of First Nations children eligible for services under Jordan's Principle. The Caring Society supports the Commission's position, stated in its February 14, 2019 letter, that any rights to participate should be limited specifically to the definitional question related to Jordan's Principle, and that if permitted to participate, the Congress of Aboriginal Peoples should not delay the proceeding in any way.

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The Caring Society supports Canada's position that, if granted interest party status, the Congress of Aboriginal Peoples should be required to "take the record as they find it", such that they not be permitted to supplement the record by leading further evidence. The question before the Panel is largely a legal one, and the evidentiary basis for the motion has been addressed by the Caring Society and by Canada in their respective affidavits.

The Caring Society notes, as does the Commission, that the Congress of Aboriginal Peoples has not set out the legal submissions it plans to make in support of its position, or how those submissions may be different from those of the other parties. If granted interested party status, the Caring Society's position is that a direction ought to be issued to the Congress of Aboriginal Peoples that includes: 1) a deadline for written submissions setting out their legal position; 2) a page limit for those submissions; and 3) time limits for oral submissions.

Finally, should the Congress of Aboriginal Peoples be permitted to provide submissions regarding the definition of First Nations children eligible for services under Jordan's Principle, the Caring Society requests leave to file a supplementary submission of no more than 5 pages in reply to these submissions.

Yours truly,



David P. Taylor

Copy to: **Robert Frater, Q.C., Jonathan Tarlton, Patricia MacPhee, and Kelly Peck**
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