

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

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

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

**ATTORNEY GENERAL OF CANADA
(representing the Minister of Indigenous Services Canada)**

Respondent

- and -

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

AFFIDAVIT OF CINDY BLACKSTOCK

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

1. I am a member of the Gitksan First Nation, a professor at McGill University’s School of Social Work, and the Executive Director of the complainant, the First Nations Child and Family Caring Society of Canada (“the Caring Society”). As such, I have personal knowledge of the matters hereinafter deposed to, save and except for those matters stated to be on information and belief and where so stated, I believe them to be true.

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

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

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

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

An Act respecting First Nations, Métis and Inuit children, youth and families

6. The Caring Society has been an active supporter of First Nations jurisdiction in child welfare since its inception. Prior to Canada's announcement of support for "Indigenous" child welfare legislation, the Caring Society worked with the National Advisory Committee Jurisdictional Table and later with Mary Teegee from Carrier Sekani Family Services and colleagues to draft the *First Nations Child and Family Caring Act* which attempted to legislatively entrench the CHRT funding standards, including Jordan's Principle. A true copy of this draft legislation is attached to my affidavit as **Exhibit "1"**.

7. Canada rejected this draft legislation in favour of its pan-Indigenous legislative process that led to the enactment of the *Act respecting First Nations, Métis and Inuit children, youth and families* (also known as Bill C-92).

8. The Caring Society had concerns about the quality of the Bill C-92 and submitted a brief to both the House of Commons Standing Committee on Indigenous and Northern Affairs and the Senate Standing Committee on Aboriginal Peoples. The Caring Society appeared before the Senate Committee on April 9, 2019 and before House Committee on April 30, 2019. In its brief, the Caring Society made the following observations with regard to the lack of funding principles in the bill:

Funding is essential to the realization of First Nations jurisdiction and there is nothing in Bill C-92 that binds the federal government to provide needs-based and substantively equal funding that would support First Nations jurisdiction in this Bill. The only mention of funding in Bill C-92 is in the non-binding preamble and an possible agenda item for the “coordination agreements” (Section 20 (2) (c)).

There is currently no policy or agreement to provide funding for First Nations jurisdiction in child welfare. To the contrary, the Terms and Conditions for federal funding for on-reserve child and family services specifically references provincial delegation or designation as a condition for providing services beyond prevention. Coordination agreements propose a negotiation of “fiscal arrangements” within the 1-year time frame yet the parties at the Canadian Human Rights Tribunal have spent 12 years trying to achieve equitable funding for First Nations child and family services and the litigation is ongoing. This Bill provides little protection for the hard-won gains at the CHRT nor does it include Jordan’s Principle, which is currently benefiting tens of thousands of First Nations children [emphasis added].

9. *An Act respecting First Nations, Métis and Inuit children, youth and families* received Royal Assent on June 21, 2019 and came into force on January 1, 2020.

10. At the January 14, 2020 meeting of the Consultation Committee on Child Welfare (“CCCW”), Indigenous Services Canada (“ISC”) representatives advised that ISC had formed a technical table to assist it in its implementation of *An Act respecting First Nations, Métis and Inuit children, youth and families*. ISC advised that the technical table met for a first time on December 18-19, 2019, and that a second meeting was scheduled for January 23-24, 2020.

11. No representatives of the Caring Society were invited to these meetings, despite my request at the January 14, 2020 CCCW meeting to participate. In recent months, the Caring Society has been invited to attend as a “guest”; however, I have received no specific meeting invitation to date. I have also not received any minutes of the technical table’s meetings.

Work of the Institute of Fiscal Studies and Democracy (IFSD)

12. Following the completion of the IFSD study with respect to First Nations Child and Family Services Agency (“FNCFS Agency”) needs in or about December 2018, it became clear that further study would be required in order to develop a new funding approach for FNCFS Agencies.

13. To that end, the Assembly of First Nations (AFN) submitted a proposal from IFSD to Canada on March 6, 2019 that envisaged a one-year timeline for completing this further work. However, the proposal was not approved until May 2019. There were further delays, as IFSD’s contract was not put in place until the summer of 2019. While IFSD has now completed its FNCFS Agency case studies and surveys, there have been delays to its work as ISC was slow to provide IFSD with information throughout the fall of 2019 and winter of 2020.

14. On March 27, 2020, Dr. Helaina Gaspard advised the CCCW that IFSD is now targeting July 31, 2020 for completion of its second report. However, Dr. Gaspard also advised that this completion date is contingent on the outstanding data requests from ISC being fulfilled in a timely manner.

15. ISC has yet to advise the CCCW of the steps it will take to complete a new funding approach for the FNCFS Program once IFSD’s second report is complete.

Recent reports from ISC regarding FNCFS Agency claims for funding at actuals

16. On March 13, 2020, ISC provided the report on agency claims submitted to Canada for reimbursement to January 31, 2020 and the report on agency claims submitted to Canada for reimbursement to February 7, 2020. True copies of these reports are attached to my affidavit as Exhibits “2” and “3”, respectively.

17. On March 17, 2020, ISC provided the report on agency claims submitted to Canada for reimbursement to February 14, 2020. A true copy of this report is attached to my affidavit as **Exhibit “4”**.

My concerns regarding the FNCFS Program Outcomes

18. In May 2018, while commenting on an early version of the FNCFS Program Terms and conditions, I raised concerns that the outcomes ISC proposed for the program were not based in evidence. A true copy of an email I sent to CCCW members summarizing these concerns is attached to my email as **Exhibit “5”**.

19. I provided further comments to ISC by email on the version of the Prevention Directive circulated in January 2020. A true copy of emails between myself and Ms. Nepton, as well as my comments on the January 2020 version of the Prevention Directive, are attached to my affidavit as **Exhibit “6”**.

20. On March 13, 2020, Nathalie Nepton, Director General for ISC’s Children and Families Branch, wrote to the parties providing the copy of the Prevention Directive that she said would be circulated to ISC regional offices and to recipients early in the week of March 16, 2020. In this email, Ms. Nepton acknowledged the opposition expressed to the outcome statements in the Prevention Directive and agreed that more work needed to be done on these outcomes. A true copy of Ms. Nepton’s March 13, 2020 email is attached to my affidavit as **Exhibit “7”**.

21. A true copy of the version of the Prevention Directive provided to the CCCW on March 13, 2020 is attached to my affidavit as **Exhibit “8”**.

22. At the March 27, 2020 CCCW meeting, ISC once again expressed that it wanted to work with the parties to improve the FNCFS Program’s outcomes. However, ISC also advised that Treasury Board’s approval would ultimately be required to bring forward a change to the outcomes and ISC provided no timetable for when such authority would be sought.

Community Well-Being and Jurisdiction Initiative Funding

23. In November 2019, I received updated information from ISC confirming that Community Well-Being and Jurisdiction Initiative (“CWJI”) funding had been completely allocated for this

fiscal year (2019-20) and the next (2020-21). I understand from this information that the vast majority of funds allocated under the CWJI for 2018-19, 2019-20, and 2020-21 are for prevention activities, rather than for jurisdiction initiatives.

24. A true copy of a November 5, 2019 email from Ms. Nepton is attached to my affidavit as **Exhibit “9”**.

25. A true copy of an October 31, 2019 letter from Ms. Nepton to me, along with its Annex, is attached to my affidavit as **Exhibit “10”**.

Child and family services being provided to First Nations children in Yukon Territory

26. From January 27, 2020 to March 9, 2020, I corresponded with Ms. Nepton and Lisa Legault, Director of ISC’s Children and Families Directorate, regarding funding for First Nations children receiving child and family services in Yukon Territory. A true copy of my exchange of emails with Ms. Nepton and Ms. Legault is attached to my affidavit as **Exhibit “11”**.

27. On March 20, 2020, Ms. Nepton advised that there had been no requests for funding at actuals arising from Yukon Territory. A true copy of Ms. Nepton’s March 20, 2020 email to the CCCW is attached to my affidavit as **Exhibit “12”**.

Denials of prevention-related capital requests from FNCFS Agencies

28. In September 2019, I learned from Kerry Francis, Executive Director of Nogdawindamin Family and Community Services, in Ontario, that this agency was seeking capital support under Jordan’s Principle to replace a mobile home in order to address unsafe living conditions for a child. I understand that a partial approval for some renovations was made under Jordan’s Principle, and that the Agency has filed an application for judicial review (T-1819-19). I also understand that the Agency determined that the housing conditions posed a serious risk and had to be remediated to avoid an admission into care. I further understand that the agency decided that home replacement was more cost effective and better for the child than home repairs. ISC denied the Agency’s request for reimbursement at actuals, and its internal appeal process upheld this decision. A true copy of the denial decision is attached to my affidavit as **Exhibit “13”**.

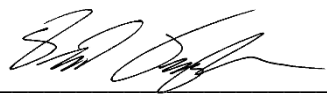
29. In September 2019, I was also advised by Phyllis Hudson, of Elsipogtog Child and Family Services, in New Brunswick, that her Agency had requested reimbursement of roughly \$2 million for home repairs conducted in order to avoid taking children into care due to poor living conditions. Ms. Hudson advised me that this request was denied, and that denial was upheld on appeal. A true copy of the denial decision is attached to my affidavit as **Exhibit “14”**.

30. Since September 2018, I have repeatedly expressed my concerns that the FNCFS Program internal appeals process is not independent of ISC and lacks expertise regarding child and family services. I understand that internal appeals are decided by ISC’s Senior Assistant Deputy Minister for the First Nations and Inuit Health Branch, Dr. Valerie Gideon, and by ISC’s Senior Assistant Deputy Minister for its Regional Operations Sector, Lynda Clairmont. I do not understand Dr. Gideon or Ms. Clairmont to have backgrounds in social work or child protection practice. To that end, I suggested in April 2019 that one or more independent observers participate in FNCFS Program internal appeals. That suggestion was rejected in September 2019 on the basis that the appeal decision-makers were public servants applying the FNCFS Program’s Terms and Conditions.

Need to affirm this affidavit via video teleconference

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

AFFIRMED BEFORE ME over video)
teleconference 8th day of April,)
2020. The affiant, Cindy Blackstock,)
and the commissioner, David Taylor,)
were both located in Ottawa, Ontario)
)
)
)
)



Commissioner for taking affidavits



CINDY BLACKSTOCK

David P. Taylor (LSO# 63508Q)

This is **Exhibit "1"**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

First Nations Child and Family Caring Act

An act to enable First Nations to exercise jurisdiction over all child and family matters for their members, develop their own institutions, and administer requisite prevention and protection programs and services based on their own respective laws, customs, practices, and traditions.

Preamble

WHEREAS the Government of Canada has fully adopted, without reservation, and agreed to implement the *United Nations Declaration on the Rights of Indigenous Peoples*, A/RES/61/295;

AND WHEREAS the Articles of the Declaration provide a framework for reconciliation, and specifically recognize that Indigenous peoples, in exercising their right to self-determination, have the right to self-government in matters relating to their affairs, including Indigenous children and families;

AND WHEREAS the Government of Canada recognizes the inherent rights of self-determination and self-government of Indigenous peoples, and the corresponding right of First Nations to exercise jurisdiction and authority over matters involving First Nation children and families;

AND WHEREAS the Government of Canada recognizes that jurisdiction and authority over laws, policies, and practices that relate to Indigenous children and families is at the core of Indigenous self-determination and self-government;

AND WHEREAS the Government of Canada recognizes that First Nations are best suited to make decisions for the well-being of their children and families;

AND WHEREAS the creation of child and family services regimes for First Nation members, and the administration of those regimes through First Nations institutions, based on First Nations' respective laws, customs, practices, and traditions, is an essential part of Indigenous peoples' inherent right of self-government and self-determination;

AND WHEREAS the creation of First Nation child and family services regimes and a First Nation Child and Family Services Caring Institute will benefit the communities administering that jurisdiction and Canada as a whole, and is an essential element of reconciliation in Canada;

AND WHEREAS the Touchstones of Hope is a set of principles to guide the reconciliation process within all aspects of society, and is the basis for a respectful and meaningful relationship between Indigenous and non-Indigenous peoples working in the area of children and family services;

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AND WHEREAS on November 20, 1989, the *United Nations Convention on the Rights of the Child* was adopted in the United Nations General Assembly, and has been ratified by the Government of Canada;

AND WHEREAS the Convention provides that the best interests of the child shall be a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies;

AND WHEREAS the Truth and Reconciliation Commission of Canada’s Calls to Action #1 through #5 affirm the need to address First Nations child welfare and, in particular, Call to Action #4 calls upon the Government of Canada to enact Indigenous child-welfare legislation that establishes national standards for Indigenous child apprehension and custody cases;

AND WHEREAS the Canadian Human Rights Tribunal has determined that the Government of Canada’s design, management, and control of its First Nation Child and Family Services Program, along with its corresponding funding formulas and the other related provincial/territorial agreements, have resulted in denials of services and various adverse impacts for many First Nations children and families living on reserves;

AND WHEREAS Jordan’s Principle addresses the needs of First Nations children on and off-reserve by ensuring there are no gaps in government services to them;

AND WHEREAS while Jordan’s Principle applies to jurisdictional disputes between governments, a dispute among government departments or between governments is not a necessary requirement for its application;

AND WHEREAS Jordan’s Principle ensures First Nations children and youth receive the services they need when they need them;

AND WHEREAS First Nations have led an initiative in partnership with Canada to enable First Nations to assume jurisdiction and authority over child and family services, and the implementation of this initiative requires the enactment of an Act of Parliament;

AND WHEREAS First Nations are prepared to assume jurisdiction and authority over child and family services;

NOW, THEREFORE Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

Short Title

1 This Act may be cited as the First Nations Child and Family Caring Act.

Interpretation

Definitions

2 (1) The definitions in this subsection apply in this Act.

child and family services regime means a child and family services code enacted pursuant to subsection 7(1).

council in the context of a band, has the same meaning as the term *council of the band* in subsection 2(1) of the *Indian Act*, as amended from time to time, and in the context of any other entity or body, means the governing body of that entity or body.

Director means the Director appointed under the *Canada Not-for-Profit Corporations Act*, as amended from time to time.

First Nation means, as the context requires:

a *band* within the meaning of in subsection 2(1) of the *Indian Act*, as amended from time to time; or

any successor entity to a band established pursuant to a self-government agreement between Canada and one or more bands and/or representative institutions acting on behalf of a collective of first nation persons; or

any body having the authority over child and family services for First Nation members, or that has been duly authorized by one or more bands to exercise authority on their behalf in connection with the administration of child and family services, and includes but is not limited to a First Nation national government, tribal council or treaty institution.

First Nations Child and Family Services Caring Institute or Institute means the institute established pursuant to subsection 22(1) to assist in the carrying out of the objectives of this Act.

First Nation law means a law referred to in section 18.

First Nation member means a person whose name appears on the band or membership list of a First Nation, or who is entitled to have their name appear on that list.

Minister means the Minister of Indigenous Services.

Words and expressions in Indian Act

(2) Unless the context otherwise requires, words and expressions used in this Act have the same meaning as in the *Indian Act*, as amended from time to time.

Non-derogation

(3) This Act is not intended to, and does not, define, limit, amend, abrogate or derogate from the existing aboriginal and treaty rights that are recognized and affirmed by section 35 of the *Constitution Act, 1982*, or any inherent Indigenous rights.

Not land claims agreement

(4) For greater certainty, this Act is not a land claims agreement referred to in section 35 of the *Constitution Act, 1982*.

Without Prejudice

(5) This Act does not in any way preclude, affect or prejudice self-government or other negotiations, including in relation to First Nations' self-governance over child and family matters.

Her Majesty

Binding on Her Majesty

3 This Act is binding on Her Majesty in right of Canada and any reference in this Act to Her Majesty means Her Majesty in right of Canada.

Primary Objective

4 The primary objective of this Act and the First Nations Child and Family Services Caring Institute is to restore the holistic health and well-being of First Nation children and families by strengthening the protective factors of culture, language, traditions, and customs of each First Nation.

Purposes

5 (1) The purposes of this Act are:

- (a)** to prescribe universal principles that will apply to the delivery of services to First Nation children and families;
- (b)** to enable First Nations to exercise jurisdiction over all child and family matters in respect of First Nation members, and administer them through their own institutions, based on their respective laws, customs, practices, and traditions;
- (c)** to provide First Nations with long-term, stable sources of funding to provide child and family services to First Nation members that are comparable in quality to those offered to non-First Nation children and families in Canada, while taking into account the specific needs of First Nation children and families and the costs of providing those services in First Nation communities;

- (d) to establish the First Nations Child and Family Services Caring Institute; and
- (e) to establish a national database that is administered by the First Nations Child and Family Services Caring Institute to facilitate the delivery of child and family services to First Nation members.

General Principles

- 6 (1)** The following principles shall apply to the delivery of services to First Nations children and families, either pursuant to a child and family services code or provincial child and family services legislation:
- (a) every First Nation child has the right to live up to his or her full potential, which requires access to shelter, clothing, food, support, security, nurturing, love, culture, medical care, education, special needs, sense of identity and other related matters;
 - (b) the best interests of the First Nation child shall be a primary consideration in all actions and decisions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies;
 - (c) the best interests of the First Nation child shall be assessed based on the child's traditions, customs, culture, values, language, religious upbringing, community, and the need to maintain all of the foregoing:
 - (i) Every indigenous child has the right to a safe and nurturing environment so that they are able to live up to their full potential;
 - (ii) Every Indigenous child has the right to a sacred interconnection with their family, community and nation;
 - (iii) An Indigenous child has the right to kinship care and extended family care;
 - (iv) Every Indigenous child has the right to live their culture and speak their language;
 - (v) Every Indigenous child has the right to access to their traditional land and resources;
 - (vi) Every Indigenous child has the right to have their wishes considered and taken into account in all matters related to them;
 - (vii) political considerations shall not factor into any determination as to the best interests of the First Nation child;

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- (viii)** no First Nation child shall be removed on the basis, or as a result, of poverty, socio-economic conditions, or a lack of housing or related infrastructure;
- (ix)** First Nations are best positioned to make decisions that affect their children, youth, family and communities; and
- (x)** First Nation health and wellbeing is intrinsically linked to distinct First Nation cultures, ceremonies, lands, histories, and languages;
- (d)** when considering the living situation of a First Nation child, the decision-maker:
- (i)** shall strive to keep First Nation families together wherever it is safe to do so;
- (ii)** where placement is necessary, shall give priority to placing a First Nation child into care as follows:
- (A)** with the First Nation child's extended family or within the First Nation child's First Nation community;
- (B)** with another First Nation family, if the First Nation child cannot be safely placed under paragraph (A); or
- (C)** if the First Nation child cannot be safely placed under paragraph (A) or (B) of this subsection wherever possible:
- (I)** in a location where the First Nation child can maintain contact with relatives and friends;
- (II)** in the same family unit as the First Nation child's brothers and sisters; and
- (III)** in a location that will allow the First Nation child to continue in the same school;
- (iii)** shall ensure First Nation children live in culturally appropriate environments, regardless of where they reside;
- (e)** where a government service is available to all other children and a jurisdictional dispute arises between Canada, a province/territory and/or a First Nation, or between departments in the same government regarding services to a First Nation child, the government department of first contact shall pay for the service and seek reimbursement from the other government/department after the child has received the service; and

- (f) all programs and services shall:
 - (i) be compatible with Canada's international obligations; and
 - (ii) encourage the long-term social and economic sustainability of First Nation families and communities.

Establishment of Child and Family Services Regime

Child and Family Services Code Requirements

Adoption of child and family services code

- 7 (1) A First Nation that wishes to establish a child and family services regime in accordance with this Act may adopt a child and family services code applicable to all its First Nation members in a manner consistent with the principles and purposes of this Act, which must include and address the following matters:
- (a) one or more of the following:
 - (i) primary, secondary, and tertiary child and family prevention services for the First Nation's members;
 - (ii) child protection services for the First Nation's members; and
 - (iii) the adoption of a child who is a member of the First Nation;
 - (b) the guiding principles and service delivery principles that shall apply to the child and family services regime;
 - (c) the factors to be considered when assessing the best interests of a First Nation child based on First Nation law, customs, practices, and traditions;
 - (d) the rules that apply to the enactment and publication of First Nation law;
 - (e) the rules that apply to ethics and conflicts of interest in the delivery of child and family services;
 - (f) the structure of the child and family services regime, how it will be administered, and the institutions responsible for administering it;
 - (g) the age at which the child and family services regime ceases to apply to First Nation members;
 - (h) the collection and management of all data, and maintenance of records, necessary for the administration of the child and family services regime, in accordance with any standards prescribed by a resolution or bylaw of the First

- Nations Child and Family Services Caring Institute pursuant to subsection 23(1);
- (i) the establishment or identification of a forum for the resolution of disputes related to the administration of the First Nation’s child and family services regime;
 - (j) the general rules and procedures by which the council of the First Nation will empower a body that is independent of itself to deliver child and family services to its members;
 - (k) liability in connection with the delivery of child and family services;
 - (l) prohibitions, offences, and penalties;
 - (m) transitional provisions and the coming into force of the child and family services code; and
 - (n) an amending procedure that is not likely to unduly fetter the ability of the First Nation to amend the child and family services code in the future.

[NTD: consider non-FN members living on reserve?]

Individual Agreement

(2) A First Nation that chooses to assume child and family jurisdiction under this Act shall enter into an individual agreement with the Minister describing the funding the Minister will provide to the First Nation to develop, verify, and ratify a child and family services code.

[NTD: need to consider: (1) how Canada will provide funding to administer the child and family services regime, including core funding, operational funding, capital funding, age of cut-off etc. It is likely more strategic to do this through legislation or regulation rather than through individual agreements with FNs. This may also need to provide for the transition of funding from current arrangements to the permanent arrangement created by the legislation or regulation; and (2) whether a tripartite agreement is necessary to provide for the orderly transition of child and family services from provincial regime to FN child and family services regime. Downside risk is that certain provinces could refuse to enter into these agreements. Consider options]

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Verification

Appointment of verifier

- 8 (1)** A First Nation shall appoint a verifier who shall:
- (a) determine whether a proposed child and family services code is consistent with this Act;
 - (b) determine whether the conduct of a community approval process is in accordance with the process confirmed under paragraph 8(2)(b); and
 - (c) certify the validity of a child and family services code that has been approved in accordance with this Act.
- (2)** The First Nation will submit the following information to the verifier:
- (a) a copy of the proposed child and family services code; and
 - (b) a detailed description of the community approval process that the First Nation proposes to use.

Notice of determination

- 9 (1)** The verifier shall, within thirty days after receiving a First Nation's documents under subsection 8(2), make a determination under subsection 8(1)(a) and give notice of the determination to the First Nation and the Minister.
- (2)** If the verifier determines that a proposed child and family services code is not in accordance with this Act, the verifier shall give written reasons to the First Nation.

Community Approval and Certification

Submission for approval

- 10** If the verifier determines that a proposed child and family services code is in accordance with this Act, the council of the First Nation may submit the proposed child and family services code for approval pursuant to the community approval process it has submitted to the verifier under paragraph 8(2)(b).

Approval by members

- 11** A proposed child and family services code that has been submitted for community approval is approved if it is approved in accordance with the community approval process the First Nation has submitted to the verifier pursuant to paragraph 8(2)(b).

Copy and declaration

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12 If a child and family services code has been approved, the council of the First Nation shall transmit to the verifier a true copy of the approved child and family services code and a declaration that the child and family services code was approved in accordance the community approval process it has submitted to the verifier pursuant to paragraph 8(2)(b).

Report of irregularity

13 A member of a First Nation may, within five days after the conclusion of the community approval process, report any alleged irregularity in the approval process to the verifier.

Certification

14 (1) The verifier shall, after receiving the documents referred to in section 12 and following the expiration of the time period referred to in section 13, certify the validity of the child and family services code unless the verifier, after giving the First Nation a reasonable opportunity to make submissions on the matter but within 10 days after the child and family services code has been approved, is of the opinion that:

- (a) the community approval process confirmed under paragraph 8(2)(b) was not followed or the community approval was otherwise irregular in some material respect; and
- (b) the child and family services code would not have been approved, but for that irregularity.

Transmittal

(2) The verifier shall, without delay, transmit a true copy of the certified child and family services code to the First Nation, the First Nations Child and Family Services Caring Institute, and the Minister.

Presumption

(3) Following the transmittal of a certified child and family services code pursuant to subsections 14(1) and (2), the child and family services code shall be deemed to have been validly approved by the First Nation and recognized in law.

Coming into Force of Child and Family Services Code

Coming into force

15 (1) Subject to subsection 15(2), a child and family services code has the full force of law on the day on which it is certified, or on such later date as may be specified within the child and family services code.

Access to child and family services code

(2) A true copy of the child and family services code of a First Nation that is in force shall be maintained by the council for public inspection at all times, at a place designated by the council.

Child and Family Services Regime

First Nation Powers

Power to administer child and family services regime

16 (1) A First Nation has, after the coming into force of its child and family services code and subject to this Act, the power to administer the child and family services regime.

Legal capacity

(2) For any purpose related to First Nation child and family services, a First Nation has the legal capacity to exercise its powers and perform its duties and functions and, in particular, may

- (a) acquire and hold property;
- (b) enter into contracts;
- (c) borrow money;
- (d) expend and invest money; and
- (e) be a party to legal proceedings.

Exercise of power

(3) The power of a First Nation to administer and deliver child and family services shall be exercised by the council of a First Nation, or by any person or body to whom a power is conferred by the council in accordance with the First Nation's child and family services code, and that power shall be exercised for the use and benefit of the First Nation.

Administration body

(4) A body established under a child and family services code for the purpose of administering and delivering child and family services is a legal entity having the capacity, rights, powers and privileges of a natural person, including the matters set out in subsection 16(2).

Collection and management of data

17 (1) A First Nation, after the coming into force of its child and family services code, shall collect and manage all data and maintain all records necessary for the administration of its child and family services regime, in accordance with any standards prescribed by the First Nations Child and Family Services Caring Institute pursuant to paragraph 29(1)(i).

(2) A First Nation shall provide data and information to the First Nations Child and Family Services Caring Institute to be included in the First Nations Child and Family Database, as set out in section 31.

[NTD: consider frequency of provided information pursuant to subsection 17(2). Also consider privacy implications and potential application of privacy legislation; provision requiring provision of provincial and territorial data]

First Nation Laws

Power to enact laws

18 (1) The council of a First Nation has, in accordance with its child and family services code, the power to enact laws respecting any matter set out in section 7 or any matter arising out of or ancillary to the exercise of that power.

Enforcement measures

(2) A First Nation law may provide for entry and enforcement measures, such as the power to enter any premises or vehicle or board any vessel for the purpose of removing a First Nation child in need of protection and the power to inspect, search and seize and to order compulsory sampling, testing and the production of information.

Offences and punishment

19 (1) A First Nation law may create offences punishable on summary conviction and provide for the imposition of fines, imprisonment, restitution, community service and any other means for achieving compliance.

Incorporation by reference

(2) A First Nation law may adopt or incorporate by reference the summary conviction procedures of Part XXVII of the Criminal Code, as amended from time to time.

Prosecution

(3) A First Nation may, in relation to prosecutions of contraventions of First Nation law,

- (a) retain its own prosecutors;
- (b) enter into an agreement with Her Majesty and a provincial government for the use of provincial prosecutors; or
- (c) enter into an agreement with Her Majesty for the use of any other agents engaged by Her Majesty.

Evidence

- 20** In any proceedings, a copy of a First Nation law appearing to be certified as a true copy by an officer of the First Nation is, without proof of the officer's signature or official character, evidence of its enactment on the date specified in the First Nation law.

Appointment of justices of the peace

- 21 (1)** A First Nation may appoint justices of the peace to ensure the enforcement of First Nation law including the adjudication of offences for contraventions of First Nation law.

Judicial independence

- (2)** A justice of the peace appointed by a First Nation shall have tenure and remuneration, and be subject to conditions of removal, that reflect the independence of the office of a justice of the peace in the province or territory in which the First Nation is situated.

Powers

- (3)** Justices of the peace have all the powers necessary for the performance of their duties and functions.

Appeals

- (4)** An appeal lies from a decision of a justice of the peace in the manner in which an appeal lies in summary conviction proceedings under Part XXVII of the *Criminal Code* and the provisions of that Part relating to appeals, as amended from time to time, apply to appeals under this subsection.

Courts of a province

- (5)** If no justices of the peace are appointed by a First Nation, its First Nation laws shall be enforced through a court of competent jurisdiction of the province or territory in which its First Nation is situated.

First Nations Child and Family Services Caring Institute

- 22 (1) The First Nations Child and Family Services Caring Institute is established pursuant to this Act as a body corporate without share capital.
- (2) The Institute is the administrative body by which the functions of the First Nations Child and Family Services Caring Institute may be carried out and administered.
- (3) Subject to this Act, the Institute has the capacity, rights, powers and privileges of a natural person.

Board of directors

- 23 (1) The board of directors of the Institute consists of [●].
- (2) The board of directors shall direct and manage the activities and affairs of the Institute.
- (3) The board of directors shall formalize its decisions by resolution or bylaw.

Special measures committee

- 24 (1) The board of directors shall maintain a special measures committee consisting of [●].
- (2) The special measures committee shall inquire into and advise the board of directors with respect to issues relating to funding by Her Majesty of First Nations child and family services, whether relating to funds provided pursuant to this Act or not.
- (3) On the advice of the special measures committee, and with notice to the Minister, the Institute may, as of right, request that the Chairperson of the Canadian Human Rights Tribunal established under the *Canadian Human Rights Act*, as amended from time to time, institute an inquiry into any issue relating to the funding by Her Majesty of First Nations child and family services, whether relating to funds provided pursuant to this Act or not.

Bylaws

- 25 Bylaws shall be made for the governance and proper administration of the Institute's activities, affairs, property and interests.

Records

- 26 (1) The Institute shall maintain, at its head office or at any other place in Canada designated in the bylaws, the following:

CSFS November 5, 2018 WORKING DRAFT FOR DISCUSSION PURPOSES ONLY

- (a) the bylaws of the Institute and all amendments to them;
- (b) the minutes of meetings and resolutions of:
 - (i) the directors;
 - (ii) any committee of the Institute; and
- (c) the audited financial statements of the Institute.

Filing

27 (1) Within 15 days after the coming into force of this Act, the Institute shall file with the Director:

- (a) a notice of the names and addresses of the directors of the Institute;
- (b) a notice of the names and addresses of the members of the special measures committee; and
- (c) a notice of the location and address of the head office of the Institute.

(2) Within 15 days after a change occurs in the name or address of a director of the Institute, members of the special measures committee, or in the location or address of the head office of the Institute, the Institute shall file with the Director, as the case requires:

- (a) a notice of the names and addresses of the directors of the Institute;
- (b) a notice of the names and addresses of the members of the special measures committee; or
- (c) a notice of the location and address of the head office of the Institute.

(3) Within 90 days after the end of the Institute's fiscal year, the Institute shall file with the Director an audited financial statement of the institute for that fiscal year.

[NTD: consider whether any additional provisions under the Canada Not-for-Profit Corporations Act, SC 2009, c 23 should apply / need to be contemplated]

Dissolution of predecessor corporation

28 (1) In this section, "predecessor corporation" means the First Nations Child and Family Caring Society of Canada, incorporated pursuant to the *Canada Not-for-Profit Corporations Act*, as amended from time to time.

(2) The predecessor corporation is dissolved.

- (3)** On the dissolution of the predecessor corporation pursuant to this section:
- (a)** the rights, obligations, assets and liabilities, as at the date of the coming into force of this section, of the predecessor corporation, as the predecessor corporation existed on the day before the coming into force of this section, are transferred to and become the rights, obligations, assets and liabilities of the Institute;
 - (b)** the Institute may, in its own name, commence and maintain any actions or proceedings, exercise any powers and claim any rights or remedies that the predecessor corporation could have commenced, maintained, exercised or claimed before the coming into force of this section; and
 - (c)** any actions or proceedings that could have been brought or maintained against the predecessor corporation, and any rights or remedies that could have been claimed against the predecessor corporation, before the coming into force of this section may be brought or maintained or claimed against the Institute.

Functions of the First Nations Child and Family Services Caring Institute

- 29 (1)** The First Nations Child and Family Services Caring Institute shall be responsible for the following matters:
- (a)** developing model child and family services codes, model First Nation law, and model service delivery systems;
 - (b)** upon receipt of a request by a First Nation, to assist the First Nation in developing and implementing a child and family services code, First Nation law, and service delivery systems;
 - (c)** establishing a list of verifiers;
 - (d)** upon receipt of a request from a verifier, to assist the verifier in any relevant matters which may arise;
 - (e)** establishing a resource centre, curricula, and training programs for managers and others who perform functions pursuant to a child and family services code;
 - (f)** upon receipt of a request from a First Nation, to assist the First Nation in obtaining expertise and resolving any difficulties in administering its child and family services code;
 - (g)** proposing amendments to this Act and to other acts of Parliament;
 - (h)** in consultation with First Nations, negotiating funding methods with the Minister;

CSFS November 5, 2018 WORKING DRAFT FOR DISCUSSION PURPOSES ONLY

- ~~(i)~~ collecting, sharing, and maintaining data in connection with the First Nations Child and Family Database, and other records and data provided to it by First Nations;
- ~~(j)~~ delivering annual reports to the Minister and the Assembly of First Nations; and
- ~~(k)~~ performing other functions or services, as required.

Record Keeping

- 30 (1)** The First Nations Child and Family Services Caring Institute will maintain a record containing
- (a)** the name of each First Nation that approves a child and family services code;
 - (b)** a copy of each child and family services code;
 - (c)** a copy of each amendment to a child and family services code;
 - (d)** the dates on which each child and family services code was approved and certified; and
 - (e)** a copy of each First Nation law and any amendments made thereto.
- (2)** The First Nations Child and Family Services Caring Institute shall receive and record the addition of a First Nation to the Schedule to this Act and advise the Minister that the said First Nation has been listed on the Schedule to this Act.

First Nations Child and Family Database

- 31 (1)** The First Nations Child and Family Services Caring Institute shall establish a national database to be known as the First Nations Child and Family Database, which shall include the following:
- (a)** a list containing information in relation to each First Nation child placed in care;
 - (b)** information in connection with the number of First Nations children receiving child and family services, demographics for the children and their families including their current location, reasons for their apprehension, length of placement in care, cultural placement match, and the funding provided by Canada for the provision of those services;
 - (c)** family wellness outcomes and indicators in relation to each First Nation child placed in care; and
 - (d)** all other information relating to child and family services delivered by First Nations with child and family services regimes established pursuant to this Act

and as may be required by the First Nations Child and Family Services Caring Institute pursuant to subsection 29(1)(i).

[NTD: this will require provincial/territorial participation for those FNs who have not adopted a child and family services code pursuant to this Act; see also note under section 17]

Annual Report

32 Within 90 days following the end of each year of operation, the First Nations Child and Family Services Caring Institute shall deliver to the Minister and the Assembly of First Nations a list of First Nations whose child and family services code has come into force, and an annual report, in both official languages, on the work of the Institute for that year.

Review Process

33 (1) Within four years of this Act coming into force, the Minister and the First Nations Child and Family Services Caring Institute, or their representatives, will:

- (a)** jointly conduct, or cause to be conducted, a review of the provisions of this Act, including, without limitation, in respect of the adequacy and appropriateness of its funding arrangements; and
- (b)** make best efforts to complete the review within one year of its commencement.

(2) Following completion of the review, the Minister will meet with the Executive of the Assembly of First Nations, each First Nation with a child and family services code that has come into force, and the First Nations Child and Family Services Caring Institute to discuss the results of the review.

First Nations Child and Family Services Caring Institute Funding

34 Canada will enter into a funding arrangement with the First Nations Child and Family Services Caring Institute for the five year period following the coming into force of this Act.

[NTD: Funding model/provisions to be developed based on input from IFSD/IFPD]

Liability

First Nation not liable

35 (1) A First Nation shall bear no liability in tort or any other theory of law in respect of anything done or omitted to be done before the coming into force of its child and family services code by Her Majesty or any person or body authorized by Her Majesty to act in relation to any matter undertaken in good faith pursuant to the child and family services code.

Indemnification of First Nation

(2) Her Majesty shall indemnify a First Nation in respect of any proceeding commenced or loss suffered by the First Nation as a result of any act or omission described in subsection 35(1).

Her Majesty not liable

(3) Her Majesty shall bear no liability in tort or any other theory of law in respect of anything done or omitted to be done after the coming into force of the child and family services code of a First Nation by the First Nation or any person or body authorized by the First Nation to act in relation to any matter undertaken in good faith pursuant to the child and family services code.

Indemnification of Her Majesty

(4) The First Nation shall indemnify Her Majesty in respect of any proceeding commenced to loss suffered by Her Majesty as a result of an act or omission described in subsection 35(3).

Master Insurance Plan

(5) In consultation with the First Nations Child and Family Services Caring Institute, the Minister shall secure, and pay for the costs associated with maintaining, a master insurance plan to indemnify each First Nation for any liability in connection with the delivery of child and family services by it pursuant to its child and family services code once that child and family services code has come into effect.

Immunity and Judicial Review

Immunity

36 No person shall commence or maintain criminal or civil proceedings against a verifier appointed under this Act or any member of the First Nations Child and Family Services Caring Institute established by this Act who, in good faith, exercises a power or performs a duty or function in accordance with this Act, for anything done or omitted to be done during the course of the exercise or purported exercise of any power or the performance or purported performance of any duty or function of that person in accordance with this Act.

Determinations final

37 (1) Every determination under this Act by a verifier is final, and no order shall be made, process entered or proceedings taken in any court, whether by way of injunction, *certiorari*, prohibition, *mandamus*, *quo warranto* or otherwise, to question, review or prohibit such a determination.

Actions final

(2) No order shall be made, process entered or proceedings taken in any court, whether by way of injunction, *certiorari*, prohibition, *mandamus*, *quo warranto* or otherwise, to question, review or prohibit any other action under this Act by a verifier.

Review by Federal Court

(3) Notwithstanding subsections 37(1) and (2), the Attorney General of Canada or anyone directly affected by the matter in respect of which relief is sought may make an application under the *Federal Courts Act*, as amended from time to time, on any of the grounds referred to in paragraph 18.1(4)(a) or (b) of that Act for any relief against a verifier by way of an injunction or declaration or by way of an order in the nature of *certiorari*, prohibition, *mandamus* or *quo warranto*.

Other Acts

Other Acts

38 (1) In the event of any inconsistency or conflict between this Act and any other federal law, this Act prevails to the extent of the inconsistency or conflict.

(2) The *Statutory Instruments Act*, as amended from time to time, or any successor legislation, will not apply to a child and family services code or to First Nation law.

Indian Act

39 (1) On the coming into force of a child and family services code pursuant to subsection 15(1), provincial laws of general application respecting children and families shall cease to apply to the First Nation's members respecting the same or similar subject-matter contemplated under the child and family services code, except as expressly provided for under the child and family services code.

Effect of Inconsistency

(2) In the event of any inconsistency or conflict between the child and family services code of a First Nation and the provisions of a First Nation law or of a by-law made by its council under section 81 of the *Indian Act*, as amended from time to time, the child and family services code prevails to the extent of the inconsistency or conflict.

Amendment of Schedule

Addition of First Nation

40 (1) The Governor in Council shall, by order, add the name of a First Nation to the schedule if he or she is satisfied that the child and family services code and individual agreement of a First Nation has been duly approved.

Coming-into-force date of child and family services code

(2) The Minister shall, by order, add to the schedule the date on which a child and family services code comes into force with respect to a First Nation’s members.

Automatic Deletion of First Nation name

(3) The Governor in Council shall, by order, delete from the schedule the name of a First Nation and the date on which a child and family services code comes into force with respect to the First Nation’s members, if that First Nation is no longer subject to this Act under the terms of a land claims agreement or a self-government agreement.

Coming into Force

Order of Governor in Council

41 This Act comes into force on a day to be fixed by order of the Governor in Council.

SCHEDULE

Names of First Nations and Coming-into-Force Dates of Child and family services codes

D

Item

First Nation that has implemented a child and family services code

Child and family services code coming-into-force date

R

A

F

T

This is **Exhibit "2"**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

INDIGENOUS SERVICES CANADA
RECIPIENT ACTUAL COSTS CLAIM REQUESTS FOR RETROACTIVE REIMBURSEMENT (NOTE 1)
NATIONAL SUMMARY (ROLL UP OF ALL REGIONS) AS OF JANUARY 31, 2020

REGION	TOTAL OF # RECIPIENT CLAIMS RECEIVED	TOTAL AMOUNT - CLAIMS RECEIVED (A) Note 3	TOTAL AMOUNT PAID TO RECIPIENTS (B) Note 4	TOTAL REMAINING CLAIMS TO BE PAID (Claims still under review) C = (A) - (B) Note 3	AVERAGE BUSINESS DAYS # OF PAID CLAIMS Note 6
ATLANTIC (Small Agencies)	11	\$2,561,152.34	\$2,561,152.34	\$0.00	9
ATLANTIC (Prevention/Operations)	1	\$429,154.00	\$429,154.00	\$0.00	13
QUEBEC (Prevention/Operations)	2	\$851,938.22	\$851,938.22	\$0.00	20
QUEBEC (Small Agencies)	2	\$126,987.00	\$126,987.00	\$0.00	17
QUEBEC (Child Service Purchases)	2	\$557,467.68	\$557,467.68	\$0.00	28
ONTARIO (Band Representative Services) Note 5	117	\$43,055,277.89	\$19,223,303.42	\$23,831,974.47	11
ONTARIO (Prevention/Operations)	40	\$45,344,722.11	\$28,536,733.08	\$16,807,989.03	11
MANITOBA (Small Agencies)	1	\$923,003.03	\$923,003.03	\$0.00	11
MANITOBA (Prevention/Operations)	16	\$35,441,795.73	\$35,441,795.73	\$0.00	11
MANITOBA (Child Service Purchases)	7	\$1,927,023.71	\$1,927,023.71	\$0.00	11
SASKATCHEWAN (Small Agencies)	14	\$11,455,753.14	\$11,213,770.87	\$241,982.27	20
SASKATCHEWAN (Prevention-Operations)	59	\$74,675,361.50	\$23,492,183.15	\$51,183,178.35	20
SASKATCHEWAN (Child Service Purchases Small Agencies)	2	\$278,396.39	\$278,396.39	\$0.00	16
SASKATCHEWAN (Child Service Purchases Large Agencies)	9	\$346,434.98	\$182,660.45	\$163,774.53	14
ALBERTA (Prevention/Operations)	18	\$9,881,680.31	\$6,530,089.61	\$3,351,590.70	12
ALBERTA (Small Agencies)	6	\$1,784,649.00	\$1,784,649.00	\$0.00	13
ALBERTA (Child Service Purchases)	4	\$593,349.70	\$445,236.85	\$148,112.85	13
BRITISH COLUMBIA (Small Agencies)	21	\$9,382,931.71	\$9,382,931.71	\$0.00	8
GRAND TOTAL	332	\$239,617,078.44	\$143,888,476.24	\$95,728,602.20	14

NOTE 1: The retroactive claims' section presents claims received for costs that were incurred between January 26, 2016 and March 31, 2018.

NOTE 2: Considering the high volume of claims received by the regions on/or before December 31, 2019 and the resulting delays in transferring the information to headquarters, changes to claims received are to be expected over the course of the upcoming weeks. The FNCFS Program is currently working toward developing a better system to track claims.

NOTE 3: Recipient claims received by the regions as of January 31, 2020 reported to Headquarters FNCFS Program. Column C represents 87 claims in process.

NOTE 4: \$1,077,013 has been paid since the January 24, 2020 report.

NOTE 5: Recipient claims received by the Region as of January 31, 2020 reported to Headquarters FNCFS Program have decreased by \$30.94 since the January 24, 2020 report. This is due to 1 claim that was adjusted by the claimant.

NOTE 6: We acknowledge that delays with the processing of claim payments are being experienced. This is mainly due to administrative issues related to an increased number of incoming claims resulting from the September 30 deadline to claim costs incurred in 2018-19, many of which were incomplete requiring the Department to pause the clock, and request the missing information to complete claims.

INDIGENOUS SERVICES CANADA
RECIPIENT ACTUAL COSTS CLAIM REQUESTS FOR 2018-2019 REIMBURSEMENT (NOTE 1, NOTE 2)
NATIONAL SUMMARY (ROLL UP OF ALL REGIONS) AS OF JANUARY 31, 2020

REGION	TOTAL OF # RECIPIENT CLAIMS RECEIVED	TOTAL AMOUNT - CLAIMS RECEIVED (A) Note 3	TOTAL AMOUNT PAID TO RECIPIENTS (B) Note 4	TOTAL REMAINING CLAIMS TO BE PAID (Claims still under review) C = (A) - (B) Note 3	AVERAGE BUSINESS DAYS # OF PAID CLAIMS Note 5
ATLANTIC (Small Agencies)	2	\$3,176,215.52	\$3,176,215.52	\$0.00	13
ATLANTIC (Prevention/Operations)	1	\$3,265,000.00	\$3,265,000.00	\$0.00	25
QUEBEC (Small Agencies)	4	\$564,809.77	\$564,809.77	\$0.00	13
QUEBEC (Child Service Purchases)	1	\$118,322.00	\$118,322.00	\$0.00	7
ONTARIO (Band Representative Services)	129	\$17,549,094.10	\$9,499,066.18	\$8,050,027.92	12
ONTARIO (Prevention/Operations)	136	\$72,481,013.47	\$53,442,526.58	\$19,038,486.89	8
MANITOBA (Small Agencies)	2	\$1,229,150.09	\$0.00	\$1,229,150.09	N/A
MANITOBA (Prevention/Operations)	13	\$18,023,295.62	\$3,277,921.84	\$14,745,373.78	9
MANITOBA (Child Service Purchases)	4	\$1,574,046.59	\$0.00	\$1,574,046.59	N/A
SASKATCHEWAN (Small Agencies)	18	\$13,511,259.65	\$11,409,674.20	\$2,101,585.45	12
SASKATCHEWAN (CSPA Large Agencies)	3	\$56,592.31	\$56,592.31	\$0.00	28
SASKATCHEWAN (Prevention/Operations)	33	\$44,292,369.42	\$42,718,164.77	\$1,574,204.65	16
SASKATCHEWAN (Child Service Purchases Small Agencies)	5	\$609,520.36	\$452,247.01	\$157,273.35	13
ALBERTA (Small Agencies)	2	\$544,551.17	\$544,551.17	\$0.00	9
ALBERTA (Prevention/Operations)	6	\$1,803,578.60	\$1,803,578.60	\$0.00	17
BRITISH COLUMBIA (Small Agencies)	5	\$1,123,948.00	\$1,123,948.00	\$0.00	12
BRITISH COLUMBIA (Small Agencies) Actuals request (Note 6)	20	\$5,314,052.00	\$5,314,052.00	\$0.00	N/A
GRAND TOTAL	384	\$185,236,818.67	\$136,766,669.95	\$48,470,148.72	13

NOTE 1: The 2018-19 claims' section presents claims received for costs that were incurred between April 1, 2018 and March 31, 2019.

NOTE 2: Considering the high volume of claims received by the regions on/ or before September 30, 2019, and the resulting delays in transferring the information to headquarters, changes to claims received are to be expected over the course of the upcoming weeks. The FNCFS Program is currently working toward developing a better system to track claims.

NOTE 3: Recipient claims received by the regions as of January 31, 2020 reported to HQ FNCFS Program. Column C represents 60 claims in process.

NOTE 4: \$400,389.15 has been paid since the January 24, 2020 report.

NOTE 5: We acknowledge that delays with the processing of claim payments are being experienced. This is mainly due to administrative issues related to an increased number of incoming claims resulting from the September 30 deadline to claim costs incurred in 2018-19, many of which were incomplete requiring the Department to pause the clock, and request the missing information to complete claims.

NOTE 6: BC region worked with agencies through a needs based budget process, and \$5,314,052 was identified as the amount required for small agencies actuals for 2018-19.

INDIGENOUS SERVICES CANADA
RECIPIENT ACTUAL COSTS CLAIM REQUESTS FOR 2019-2020 REIMBURSEMENT (NOTE 1)
NATIONAL SUMMARY (ROLL UP OF ALL REGIONS) AS OF JANUARY 31, 2020

REGION	TOTAL OF # RECIPIENT CLAIMS RECEIVED	TOTAL AMOUNT - CLAIMS RECEIVED (A) Note 2	TOTAL AMOUNT PAID TO RECIPIENTS (B) Note 3	TOTAL REMAINING CLAIMS TO BE PAID (Claims still under review) C = (A) - (B) Note 2	AVERAGE BUSINESS DAYS # OF PAID CLAIMS Note 4
ATLANTIC (Prevention/Operations)	1	\$65,000.00	\$65,000.00	\$0.00	N/A
ATLANTIC (Small Agencies)	1	\$267,244.14	\$267,244.14	\$0.00	N/A
QUEBEC (Small Agencies)	6	\$1,520,804.08	\$1,520,804.08	\$0.00	10
QUEBEC (Large Agencies)	1	\$141,666.00	\$141,666.00	\$0.00	9
ONTARIO (Band Representative Services)	85	\$44,438,251.18	\$19,949,464.29	\$24,488,786.89	10
ONTARIO (Prevention/Operations)	111	\$55,929,584.77	\$28,591,948.32	\$27,337,636.45	10
MANITOBA (Prevention/Operations)	5	\$6,869,341.19	\$4,451,608.32	\$2,417,732.87	25
SASKATCHEWAN (Small Agencies)	6	\$9,371,205.07	\$8,295,973.31	\$1,075,231.76	14
SASKATCHEWAN (Large Agencies)	9	\$12,582,584.52	\$7,387,412.44	\$5,195,172.08	32
SASKATCHEWAN (CSPA Large Agencies)	1	\$52,682.34	\$0.00	\$52,682.34	N/A
SASKATCHEWAN (CSPA Small Agencies)	1	\$155,410.19	\$0.00	\$155,410.19	N/A
ALBERTA (Small Agencies)	1	\$1,342,025.00	\$1,342,025.00	\$0.00	10
ALBERTA (Large Agencies)	4	\$1,946,686.74	\$1,335,150.00	\$611,536.74	11
GRAND TOTAL	232	\$134,682,485.22	\$73,348,295.90	\$61,334,189.32	15

NOTE 1: The 2019-20 claims' section presents claims received for costs that were incurred/or will be incurred between April 1, 2019 and March 31, 2020.

NOTE 2: Recipient claims received by the regions as of January 31, 2020 reported to HQ FNCFS Program. There are 2 new claims received resulting in an increase of \$16,327.37. Column C represents 59 claims in process.

NOTE 3: \$836,069.00 has been paid since the January 24, 2020 report.

NOTE 4: We acknowledge that delays with the processing of claim payments are being experienced. This is mainly due to administrative issues related to an increase number of incoming claims resulting from the September 30 deadline to claim costs incurred in 2018-19, many of which were incomplete requiring the Department to pause the clock, and request the missing information to complete claims.

This is **Exhibit “3”**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

INDIGENOUS SERVICES CANADA
RECIPIENT ACTUAL COSTS CLAIM REQUESTS FOR RETROACTIVE REIMBURSEMENT (NOTE 1)
NATIONAL SUMMARY (ROLL UP OF ALL REGIONS) AS OF FEBRUARY 7, 2020

REGION	TOTAL OF # RECIPIENT CLAIMS RECEIVED	TOTAL AMOUNT - CLAIMS RECEIVED (A) Note 3	TOTAL AMOUNT PAID TO RECIPIENTS (B) Note 4	TOTAL REMAINING CLAIMS TO BE PAID (Claims still under review) C = (A) - (B) Note 3	AVERAGE BUSINESS DAYS # OF PAID CLAIMS Note 7
ATLANTIC (Small Agencies)	11	\$2,561,152.34	\$2,561,152.34	\$0.00	9
ATLANTIC (Prevention/Operations)	1	\$429,154.00	\$429,154.00	\$0.00	13
QUEBEC (Prevention/Operations)	2	\$851,938.22	\$851,938.22	\$0.00	20
QUEBEC (Small Agencies)	2	\$126,987.00	\$126,987.00	\$0.00	17
QUEBEC (Child Service Purchases)	2	\$557,467.68	\$557,467.68	\$0.00	28
ONTARIO (Band Representative Services)	117	\$43,055,277.89	\$19,223,303.42	\$23,831,974.47	11
ONTARIO (Prevention/Operations)	40	\$45,344,722.11	\$28,536,733.08	\$16,807,989.03	11
MANITOBA (Small Agencies)	1	\$923,003.03	\$923,003.03	\$0.00	11
MANITOBA (Prevention/Operations)	16	\$35,441,795.73	\$35,441,795.73	\$0.00	11
MANITOBA (Child Service Purchases)	7	\$1,927,023.71	\$1,927,023.71	\$0.00	11
SASKATCHEWAN (Small Agencies)	14	\$11,455,753.14	\$11,455,753.14	\$0.00	20
SASKATCHEWAN (Prevention-Operations) Note 5	60	\$74,481,361.19	\$25,866,003.26	\$48,615,357.93	20
SASKATCHEWAN (Child Service Purchases Small Agencies)	2	\$278,396.39	\$278,396.39	\$0.00	16
SASKATCHEWAN (Child Service Purchases Large Agencies)	9	\$346,434.98	\$243,614.33	\$102,820.65	14
ALBERTA (Prevention/Operations)	18	\$9,881,680.31	\$6,530,089.61	\$3,351,590.70	12
ALBERTA (Small Agencies)	6	\$1,784,649.00	\$1,784,649.00	\$0.00	13
ALBERTA (Child Service Purchases)	4	\$593,349.70	\$445,236.85	\$148,112.85	13
BRITISH COLUMBIA (Small Agencies)	21	\$9,382,931.71	\$9,382,931.71	\$0.00	8
GRAND TOTAL Note 6	333	\$239,423,078.13	\$146,565,232.50	\$92,857,845.63	14

NOTE 1: The retroactive claims' section presents claims received for costs that were incurred between January 26, 2016 and March 31, 2018.

NOTE 2: Considering the high volume of claims received by the regions on/or before December 31, 2019 and the resulting delays in transferring the information to headquarters, changes to claims received are to be expected over the course of the upcoming weeks. The FNCFS Program is currently working toward developing a better system to track claims.

NOTE 3: Recipient claims received by the regions as of February 7, 2020 reported to Headquarters FNCFS Program. Column C represents 78 claims in process.

NOTE 4: \$2,676,756.26 has been paid since the January 31, 2020 report.

NOTE 5: Recipient claims received by the Region as of February 7, 2020 reported to Headquarters FNCFS Program have decreased by \$194,000.31 since the January 31, 2020 report. This is due to 1 claim for which costs were ineligible.

NOTE 6: There is 1 new claim reflected in this category. It was wrongfully included under the 2019-20 section.

NOTE 7: We acknowledge that delays with the processing of claim payments are being experienced. This is mainly due to administrative issues related to an increased number of incoming claims resulting from the September 30 deadline to claim costs incurred in 2018-19, many of which were incomplete requiring the Department to pause the clock, and request the missing information to complete claims.

INDIGENOUS SERVICES CANADA
RECIPIENT ACTUAL COSTS CLAIM REQUESTS FOR 2018-2019 REIMBURSEMENT (NOTE 1, NOTE 2)
NATIONAL SUMMARY (ROLL UP OF ALL REGIONS) AS OF FEBRUARY 7, 2020

REGION	TOTAL OF # RECIPIENT CLAIMS RECEIVED	TOTAL AMOUNT - CLAIMS RECEIVED (A) Note 3	TOTAL AMOUNT PAID TO RECIPIENTS (B) Note 4	TOTAL REMAINING CLAIMS TO BE PAID (Claims still under review) C = (A) - (B) Note 3	AVERAGE BUSINESS DAYS # OF PAID CLAIMS Note 6
ATLANTIC (Small Agencies)	2	\$3,176,215.52	\$3,176,215.52	\$0.00	13
ATLANTIC (Prevention/Operations)	1	\$3,265,000.00	\$3,265,000.00	\$0.00	25
QUEBEC (Small Agencies)	4	\$564,809.77	\$564,809.77	\$0.00	13
QUEBEC (Child Service Purchases)	1	\$118,322.00	\$118,322.00	\$0.00	7
ONTARIO (Band Representative Services) Note 5	129	\$17,280,961.63	\$9,501,009.68	\$7,779,951.95	12
ONTARIO (Prevention/Operations)	136	\$72,481,013.47	\$53,442,526.58	\$19,038,486.89	8
MANITOBA (Small Agencies)	2	\$1,229,150.09	\$0.00	\$1,229,150.09	N/A
MANITOBA (Prevention/Operations)	13	\$18,023,295.62	\$3,277,921.84	\$14,745,373.78	9
MANITOBA (Child Service Purchases)	4	\$1,574,046.59	\$0.00	\$1,574,046.59	N/A
SASKATCHEWAN (Small Agencies)	18	\$13,511,259.65	\$11,409,674.20	\$2,101,585.45	12
SASKATCHEWAN (CSPA Large Agencies)	3	\$56,592.31	\$56,592.31	\$0.00	28
SASKATCHEWAN (Prevention/Operations)	33	\$44,292,369.42	\$42,718,164.77	\$1,574,204.65	16
SASKATCHEWAN (Child Service Purchases Small Agencies)	5	\$609,520.36	\$452,247.01	\$157,273.35	13
ALBERTA (Small Agencies)	2	\$544,551.17	\$544,551.17	\$0.00	9
ALBERTA (Prevention/Operations)	6	\$1,803,578.60	\$1,803,578.60	\$0.00	17
BRITISH COLUMBIA (Small Agencies)	5	\$1,123,948.00	\$1,123,948.00	\$0.00	12
BRITISH COLUMBIA (Small Agencies) Actuals request Note 7	20	\$5,314,052.00	\$5,314,052.00	\$0.00	N/A
GRAND TOTAL	384	\$184,968,686.20	\$136,768,613.45	\$48,200,072.75	13

NOTE 1: The 2018-19 claims' section presents claims received for costs that were incurred between April 1, 2018 and March 31, 2019.

NOTE 2: Considering the high volume of claims received by the regions on/or before September 30, 2019, and the resulting delays in transferring the information to headquarters, changes to claims received are to be expected over the course of the upcoming weeks. The FNCFS Program is currently working toward developing a better system to track claims.

NOTE 3: Recipient claims received by the regions as of February 7, 2020 reported to HQ FNCFS Program. Column C represents 59 claims in process.

NOTE 4: \$1,943.50 has been paid since the January 31, 2020 report.

NOTE 5: Recipient claims received by the Region as of February 7, 2020 reported to Headquarters FNCFS Program have decreased by \$268,132.47 since the January 31, 2020 report. This is due to 1 claim for which costs were ineligible.

NOTE 6: We acknowledge that delays with the processing of claim payments are being experienced. This is mainly due to administrative issues related to an increased number of incoming claims resulting from the September 30 deadline to claim costs incurred in 2018-19, many of which were incomplete requiring the Department to pause the clock, and request the missing information to complete claims.

NOTE 7: BC region worked with agencies through a needs based budget process, and \$5,314,052 was identified as the amount required for small agencies actuals for 2018-19.

INDIGENOUS SERVICES CANADA
RECIPIENT ACTUAL COSTS CLAIM REQUESTS FOR 2019-2020 REIMBURSEMENT (NOTE 1)
NATIONAL SUMMARY (ROLL UP OF ALL REGIONS) AS OF FEBRUARY 7, 2020

REGION	TOTAL OF # RECIPIENT CLAIMS RECEIVED	TOTAL AMOUNT - CLAIMS RECEIVED (A) Note 2	TOTAL AMOUNT PAID TO RECIPIENTS (B) Note 3	TOTAL REMAINING CLAIMS TO BE PAID (Claims still under review) C = (A) - (B) Note 2	AVERAGE BUSINESS DAYS # OF PAID CLAIMS Note 5
ATLANTIC (Prevention/Operations)	1	\$65,000.00	\$65,000.00	\$0.00	N/A
ATLANTIC (Small Agencies)	1	\$267,244.14	\$267,244.14	\$0.00	N/A
QUEBEC (Small Agencies)	6	\$1,520,804.08	\$1,520,804.08	\$0.00	10
QUEBEC (Large Agencies)	1	\$141,666.00	\$141,666.00	\$0.00	9
ONTARIO (Band Representative Services)	88	\$47,770,862.47	\$20,083,066.11	\$27,687,796.36	10
ONTARIO (Prevention/Operations)	116	\$55,984,378.88	\$32,362,303.32	\$23,622,075.56	10
MANITOBA (Prevention/Operations)	5	\$6,869,341.19	\$4,451,608.32	\$2,417,732.87	25
SASKATCHEWAN (Small Agencies)	6	\$9,371,205.07	\$9,371,205.07	\$0.00	14
SASKATCHEWAN (Large Agencies) Note 4	8	\$12,539,582.44	\$7,387,412.44	\$5,152,170.00	32
SASKATCHEWAN (CSPA Small Agencies)	1	\$155,410.19	\$0.00	\$155,410.19	N/A
ALBERTA (Small Agencies)	1	\$1,342,025.00	\$1,342,025.00	\$0.00	10
ALBERTA (Large Agencies)	4	\$1,946,686.74	\$1,335,150.00	\$611,536.74	11
GRAND TOTAL Note 4	238	\$137,974,206.20	\$78,327,484.48	\$59,646,721.72	15

NOTE 1: The 2019-20 claims' section presents claims received for costs that were incurred/or will be incurred between April 1, 2019 and March 31, 2020.

NOTE 2: Recipient claims received by the regions as of February 7, 2020 reported to HQ FNCFS Program. There are 6 new claims received resulting in an increase of \$3,291,720.98. Column C represents 62 claims in process.

NOTE 3: \$4,979,188.58 has been paid since the January 31, 2020 report.

NOTE 4: 1 claim which was wrongfully reflected under two categories in the 2019-20 was moved to one category under the Retroactive Reimbursement section.

NOTE 5: We acknowledge that delays with the processing of claim payments are being experienced. This is mainly due to administrative issues related to an increase number of incoming claims resulting from the September 30 deadline to claim costs incurred in 2018-19, many of which were incomplete requiring the Department to pause the clock, and request the missing information to complete claims.

This is **Exhibit “4”**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

INDIGENOUS SERVICES CANADA
RECIPIENT ACTUAL COSTS CLAIM REQUESTS FOR RETROACTIVE REIMBURSEMENT (NOTE 1)
NATIONAL SUMMARY (ROLL UP OF ALL REGIONS) AS OF FEBRUARY 14, 2020

REGION	TOTAL OF # RECIPIENT CLAIMS RECEIVED	TOTAL AMOUNT - CLAIMS RECEIVED (A) Note 3	TOTAL AMOUNT PAID TO RECIPIENTS (B) Note 4	TOTAL REMAINING CLAIMS TO BE PAID (Claims still under review) C = (A) - (B) Note 3	AVERAGE BUSINESS DAYS # OF PAID CLAIMS Note 6
ATLANTIC (Small Agencies)	11	\$2,561,152.34	\$2,561,152.34	\$0.00	9
ATLANTIC (Prevention/Operations)	1	\$429,154.00	\$429,154.00	\$0.00	13
QUEBEC (Prevention/Operations)	2	\$851,938.22	\$851,938.22	\$0.00	20
QUEBEC (Small Agencies)	2	\$126,987.00	\$126,987.00	\$0.00	17
QUEBEC (Child Service Purchases)	2	\$557,467.68	\$557,467.68	\$0.00	28
ONTARIO (Band Representative Services) Note 5	117	\$43,024,388.59	\$19,527,321.75	\$23,497,066.84	11
ONTARIO (Prevention/Operations)	40	\$45,344,722.11	\$28,560,208.39	\$16,784,513.72	11
MANITOBA (Small Agencies)	1	\$923,003.03	\$923,003.03	\$0.00	11
MANITOBA (Prevention/Operations)	16	\$35,441,795.73	\$35,441,795.73	\$0.00	11
MANITOBA (Child Service Purchases)	7	\$1,927,023.71	\$1,927,023.71	\$0.00	11
SASKATCHEWAN (Small Agencies)	14	\$11,455,753.14	\$11,455,753.14	\$0.00	20
SASKATCHEWAN (Prevention-Operations)	60	\$74,481,361.19	\$25,866,003.26	\$48,615,357.93	20
SASKATCHEWAN (Child Service Purchases Small Agencies)	2	\$278,396.39	\$278,396.39	\$0.00	16
SASKATCHEWAN (Child Service Purchases Large Agencies)	9	\$346,434.98	\$259,340.33	\$87,094.65	14
ALBERTA (Prevention/Operations)	18	\$9,881,680.31	\$6,530,089.61	\$3,351,590.70	12
ALBERTA (Small Agencies)	6	\$1,784,649.00	\$1,784,649.00	\$0.00	13
ALBERTA (Child Service Purchases)	4	\$593,349.70	\$445,236.85	\$148,112.85	13
BRITISH COLUMBIA (Small Agencies)	21	\$9,382,931.71	\$9,382,931.71	\$0.00	8
GRAND TOTAL	333	\$239,392,188.83	\$146,908,452.14	\$92,483,736.69	14

NOTE 1: The retroactive claims' section presents claims received for costs that were incurred between January 26, 2016 and March 31, 2018.

NOTE 2: Considering the high volume of claims received by the regions on/or before December 31, 2019 and the resulting delays in transferring the information to headquarters, changes to claims received are to be expected over the course of the upcoming weeks. The FNCFS Program is currently working toward developing a better system to track claims.

NOTE 3: Recipient claims received by the regions as of February 14, 2020 reported to Headquarters FNCFS Program. Column C represents 74 claims in process.

NOTE 4: \$343,219.64 has been paid since the Feb 7, 2020 report.

NOTE 5: Recipient claims received by the Region as of February 14, 2020 reported to Headquarters FNCFS Program have decreased by \$30,889.30 since the February 7, 2020 report. This is due to 1 claim that was adjusted by the claimant.

NOTE 6: We acknowledge that delays with the processing of claim payments are being experienced. This is mainly due to administrative issues related to an increased number of incoming claims resulting from the September 30 deadline to claim costs incurred in 2018-19, many of which were incomplete requiring the Department to pause the clock, and request the missing information to complete claims.

INDIGENOUS SERVICES CANADA
RECIPIENT ACTUAL COSTS CLAIM REQUESTS FOR 2018-2019 REIMBURSEMENT (NOTE 1, NOTE 2)
NATIONAL SUMMARY (ROLL UP OF ALL REGIONS) AS OF FEBRUARY 14, 2020

REGION	TOTAL OF # RECIPIENT CLAIMS RECEIVED	TOTAL AMOUNT - CLAIMS RECEIVED (A) Note 3	TOTAL AMOUNT PAID TO RECIPIENTS (B) Note 4	TOTAL REMAINING CLAIMS TO BE PAID (Claims still under review) C = (A) - (B) Note 3	AVERAGE BUSINESS DAYS # OF PAID CLAIMS Note 5
ATLANTIC (Small Agencies)	2	\$3,176,215.52	\$3,176,215.52	\$0.00	13
ATLANTIC (Prevention/Operations)	1	\$3,265,000.00	\$3,265,000.00	\$0.00	25
QUEBEC (Small Agencies)	4	\$564,809.77	\$564,809.77	\$0.00	13
QUEBEC (Child Service Purchases)	1	\$118,322.00	\$118,322.00	\$0.00	7
ONTARIO (Band Representative Services)	129	\$17,280,961.63	\$9,624,406.02	\$7,656,555.61	12
ONTARIO (Prevention/Operations)	136	\$72,481,013.47	\$53,442,526.58	\$19,038,486.89	8
MANITOBA (Small Agencies)	2	\$1,229,150.09	\$0.00	\$1,229,150.09	N/A
MANITOBA (Prevention/Operations)	13	\$18,023,295.62	\$3,277,921.84	\$14,745,373.78	9
MANITOBA (Child Service Purchases)	4	\$1,574,046.59	\$0.00	\$1,574,046.59	N/A
SASKATCHEWAN (Small Agencies)	18	\$13,511,259.65	\$11,409,674.20	\$2,101,585.45	12
SASKATCHEWAN (CSPA Large Agencies)	3	\$56,592.31	\$56,592.31	\$0.00	28
SASKATCHEWAN (Prevention/Operations)	33	\$44,292,369.42	\$42,907,411.18	\$1,384,958.24	16
SASKATCHEWAN (Child Service Purchases Small Agencies)	5	\$609,520.36	\$452,247.01	\$157,273.35	13
ALBERTA (Small Agencies)	2	\$544,551.17	\$544,551.17	\$0.00	9
ALBERTA (Prevention/Operations)	6	\$1,803,578.60	\$1,803,578.60	\$0.00	17
BRITISH COLUMBIA (Small Agencies)	5	\$1,123,948.00	\$1,123,948.00	\$0.00	12
BRITISH COLUMBIA (Small Agencies) Actuals request Note 6	20	\$5,314,052.00	\$5,314,052.00	\$0.00	N/A
GRAND TOTAL	384	\$184,968,686.20	\$137,081,256.20	\$47,887,430.00	13

NOTE 1: The 2018-19 claims' section presents claims received for costs that were incurred between April 1, 2018 and March 31, 2019.

NOTE 2: Considering the high volume of claims received by the regions on/or before September 30, 2019, and the resulting delays in transferring the information to headquarters, changes to claims received are to be expected over the course of the upcoming weeks. The FNCFS Program is currently working toward developing a better system to track claims.

NOTE 3: Recipient claims received by the regions as of February 14, 2020 reported to HQ FNCFS Program. Column C represents 56 claims in process.

NOTE 4: \$312,642.75 has been paid since the February 7, 2020 report.

NOTE 5: We acknowledge that delays with the processing of claim payments are being experienced. This is mainly due to administrative issues related to an increased number of incoming claims resulting from the September 30 deadline to claim costs incurred in 2018-19, many of which were incomplete requiring the Department to pause the clock, and request the missing information to complete claims.

NOTE 6: BC region worked with agencies through a needs based budget process, and \$5,314,052 was identified as the amount required for small agencies actuals for 2018-19.

INDIGENOUS SERVICES CANADA
RECIPIENT ACTUAL COSTS CLAIM REQUESTS FOR 2019-2020 REIMBURSEMENT (NOTE 1)
NATIONAL SUMMARY (ROLL UP OF ALL REGIONS) AS OF FEBRUARY 14, 2020

REGION	TOTAL OF # RECIPIENT CLAIMS RECEIVED	TOTAL AMOUNT - CLAIMS RECEIVED (A) Note 2	TOTAL AMOUNT PAID TO RECIPIENTS (B) Note 3	TOTAL REMAINING CLAIMS TO BE PAID (Claims still under review) C = (A) - (B) Note 2	AVERAGE BUSINESS DAYS # OF PAID CLAIMS Note 4
ATLANTIC (Prevention/Operations)	1	\$65,000.00	\$65,000.00	\$0.00	N/A
ATLANTIC (Small Agencies)	1	\$267,244.14	\$267,244.14	\$0.00	N/A
QUEBEC (Small Agencies)	6	\$1,520,804.08	\$1,520,804.08	\$0.00	10
QUEBEC (Large Agencies)	1	\$141,666.00	\$141,666.00	\$0.00	9
ONTARIO (Band Representative Services)	89	\$48,069,127.76	\$20,465,864.11	\$27,603,263.65	10
ONTARIO (Prevention/Operations)	117	\$56,058,703.74	\$41,530,355.53	\$14,528,348.21	10
MANITOBA (Prevention/Operations)	5	\$6,869,341.19	\$4,451,608.32	\$2,417,732.87	25
SASKATCHEWAN (Small Agencies)	6	\$9,371,205.07	\$9,371,205.07	\$0.00	14
SASKATCHEWAN (Large Agencies)	8	\$12,539,582.44	\$7,387,412.44	\$5,152,170.00	32
SASKATCHEWAN (CSPA Small Agencies)	1	\$155,410.19	\$0.00	\$155,410.19	N/A
ALBERTA (Small Agencies)	1	\$1,342,025.00	\$1,342,025.00	\$0.00	10
ALBERTA (Large Agencies)	4	\$1,946,686.74	\$1,335,150.00	\$611,536.74	11
GRAND TOTAL	240	\$138,346,796.35	\$87,878,334.69	\$50,468,461.66	15

NOTE 1: The 2019-20 claims' section presents claims received for costs that were incurred/or will be incurred between April 1, 2019 and March 31, 2020.

NOTE 2: Recipient claims received by the regions as of February 14, 2020 reported to HQ FNCFS Program. There are 2 new claims received resulting in an increase of \$372,590.15. Column C represents 55 claims in process.

NOTE 3: \$9,550,850.21 has been paid since the February 7, 2020 report.

NOTE 4: We acknowledge that delays with the processing of claim payments are being experienced. This is mainly due to administrative issues related to an increase number of incoming claims resulting from the September 30 deadline to claim costs incurred in 2018-19, many of which were incomplete requiring the Department to pause the clock, and request the missing information to complete claims.

This is **Exhibit "5"**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

From: Cindy Blackstock [mailto:cblackst@fncaringsociety.com]
Sent: Wednesday, May 16, 2018 2:40 PM
To: Isaak, Paula (AADNC/AANDC) <paula.isaak@canada.ca>; 'afiddler@nan.on.ca' <afiddler@nan.on.ca>; 'suzanne.desjarlais@chrc-ccdp.gc.ca' <suzanne.desjarlais@chrc-ccdp.gc.ca>; 'Jon Thompson' <JonThompson@afn.ca>; 'akosuam@falconers.ca' <akosuam@falconers.ca>; 'MWente@oktlaw.com' <MWente@oktlaw.com>; David Taylor <DTaylor@conway.pro>; 'swuttke@afn.ca' <swuttke@afn.ca>; 'Duke Peltier' <dukepeltier@wiky.net>; 'Brian.Smith@chrc-ccdp.gc.ca' <Brian.Smith@chrc-ccdp.gc.ca>; Millar, Patricia (AADNC/AANDC) <patricia.millar@canada.ca>; 'Deputy Grand Chief Anna Betty Achneepineskum' <dgcachneepineskum@nan.on.ca>
Cc: Brickey, Salena (AADNC/AANDC) <salena.brickey@canada.ca>; Buist, Margaret (AADNC/AANDC) <margaret.buist@canada.ca>; Gideon, Valerie (HC/SC) <valerie.gideon@canada.ca>; 'Robert.Frater@justice.gc.ca' <Robert.Frater@justice.gc.ca>; 'linda.sandy@coo.org' <linda.sandy@coo.org>; 'Duke Peltier' <dukepeltier@wiikwemkoong.ca>
Subject: Re: **documents attached** Consultation Committee

Dear Colleagues

The Caring Society's comments on the Terms and Conditions are noted in track changes format in the attached Word document for your consideration.

We are aware of how critical getting this document correct is and we are also aware that there has been no joint drafting of the Terms and Conditions of the Program over the 27 years the program has been in place. We appreciate DISC including us in the process and want to get as much right as possible and thus would like to see another draft with Canada's comments in response to ours.

For ease, here is a high level summary of our comments:

1) The current draft only recognizes provincial/territorial delegation. We believe eligible jurisdictional models for funding should include First Nations jurisdictions that meets or beats provincial models (per the NPR recommendation in 2000). There are several First Nations that already have their own child welfare laws and are ready to move- the document as it stands does not support these communities.

2) We are unclear why Canada has restricted agencies to on reserve service delivery only when the Yukon delivers services on and off reserve. While we understand that it is not always practical for an agency to deliver off reserve in many cases it is possible and should be supported.

3) It is important that the model supports prevention services for both communities and agencies. We have provided suggestions to clarify what prevention services are and why they are essential for both.

4) The outcome measures need to be evidence based and the goal should be to improve healthy families versus reducing children in care. There are a lot of ways to reduce children in care without improving the health and safety of children and their families and this should be avoided. We have suggested measuring A.C.E. scores and reductions in inequalities in services and in service access such as trauma supports, housing, water, etc. as well as measuring some agency measures like the number of agencies with adequate buildings, vehicles etc.

5) We are unclear if capital is included. It is referenced in one area but not explicitly and is fundamental to the success of prevention programming. Without spaces to run the programs and house the staff, these programs will be difficult, if not impossible, to run.

6) There is also a lack of clarity for post- majority services in that the program definition for a child is the legal age in each province/territory but then the document lists post-majority care as an eligible expense. There needs to be some consistency in the document.

7) We have inserted a guiding principles section to emphasize the rights of First Nations children and ensure it is their best interests (as defined by General Comment 11 on the Rights of Indigenous children) and safety that guide the implementation of the Terms and Conditions versus DISC procedural/budget considerations.

8) We have also noted that the Children's Special Allowance must not be considered as part of the child and family services budget or for the purposes of assessing the stacking provisions.

9) We are not clear if Canada's disputed policy about applying population thresholds is going to be used here for small agencies. It appears Canada is sticking to the 800 figure. We would like to see some evidence to support that as during the CHRT and for the entire 27 years of the program no evidence has emerged that supported the population thresholds or the related downward adjustments in the population thresholds.

10) The current agreement only references contribution agreements as a funding mechanism. This truncates the ability for agencies to do long term planning and it is not clear to us what review has been done of the contribution agreements to ensure they align with the CHRT. We have, as you know, raised concerns about DISC's requirement that agencies sign attestations indicating they will follow the terms and conditions of the program even though we all are (and the Tribunal has found) those terms and conditions to be discriminatory.

11) We would like to see more flexibility in the funding arrangements to allow agencies to collaborate with post-secondary training and with each other to enrich the pool of employees available to staff the prevention and protection services and to collaborate on policy and standards.

We hope these suggestions are helpful and we refer all parties to the document for the more detailed comments and look forward to seeing the next draft.

The quick turn around time DISC has afforded us for our comments is regrettable and we would like to note our concern about only having a week to review such a critical document. We are seeking assurances, in writing, from DISC that they will review the Terms and Conditions again soon and that there will be opportunity for consultation, particularly with NAC, in ways that are not as rushed as this effort has been.

Have a good afternoon,

Cindy

Cindy Blackstock, PhD
Executive Director, First Nations Child and Family Caring Society of Canada
Professor, School of Social Work, McGill University
Suite 401, 309 Cooper Street, Ottawa, ON K2P 0G5
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This is **Exhibit “6”**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

From: Cindy Blackstock
Sent: February 16, 2020 8:32 AM
To: Nepton, Nathalie (AADNC/AANDC)
Cc: Sarah Fredericks; Stephanie Wellman; Abernethy-Gillis, Robyn (AADNC/AANDC)
Subject: Re: Prevention Document

Hello Nathalie

I appreciate this paragraph and thank you for including it:

Parties to the Tribunal have expressed that they do not agree with the Program outcomes and that until Canada produces quality independent peer review evidence to validate current Program outcomes, they do not consider them valid.

I would reiterate my views that the Tribunal's orders supersede Treasury Board requirements and that holding agencies accountable to outcomes that are not valid is not consistent with the orders. I urge ISC to immediately cease linking these invalid outcomes to the provision of funding per the FNCFS program. I also urge you to immediately revise these outcomes so your department can comply with TB authority requirements.

Have a good weekend,

Cindy

Cindy Blackstock, PhD
Executive Director, First Nations Child and Family Caring Society of Canada
Professor, School of Social Work, McGill University
Suite 401, 309 Cooper Street, Ottawa, ON K2P 0G5
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From: Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca>
Sent: February 7, 2020 5:26 PM
To: Cindy Blackstock

Cc: Sarah Fredericks; Stephanie Wellman; Abernethy-Gillis, Robyn (AADNC/AANDC)
Subject: RE: Prevention Document

Good evening all.

Apologies for the delay. Please find below, the text that has been inserted into both the Recipient and Prevention documents that you will receive shortly.

As is required by Treasury Board Policies, the Directive on Transfer Payments, and the *Financial Administration Act*, all funding requests to federal departments must be linked to Program terms and conditions, eligible expenditures and outcomes. The existing outcomes for the Program are included in the current terms and conditions document that was developed with input from the Parties. For the time being, these are the outcomes that have been approved, and all activities that recipients undertake must be working towards achieving these outcomes. Parties to the Tribunal have expressed that they do not agree with the Program outcomes and that until Canada produces quality independent peer review evidence to validate current Program outcomes, they do not consider them valid.

ISC acknowledges the Parties comments and is committed to working with them to develop new outcomes and indicators to better support the FNCFS Program's objective to strengthen the safety and well-being of First Nations children and their families ordinarily resident on reserve by funding culturally appropriate prevention and protection services for child welfare.

Have a great weekend!

Nathalie

From: Cindy Blackstock <cblackst@fncaringsociety.com>
Sent: February 5, 2020 6:18 PM
To: Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca>
Cc: Sarah Fredericks <sfredericks@fncaringsociety.com>; Stephanie Wellman <SWellman@afn.ca>; Abernethy-Gillis, Robyn (AADNC/AANDC) <robyn.abernethy-gillis@canada.ca>
Subject: Re: Prevention Document

Thanks. It would be appreciated if you can send the wording ahead of time to us that addresses our concern below.

Sent from my iPhone

On Feb 5, 2020, at 2:02 PM, Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca> wrote:

Good afternoon.

As discussed at the last CCCW, the documents are, at the very latest, to be provided for distribution two weeks ahead of the next meeting date – this would bring us to February 12, 2020. I do not foresee any delays in providing the information to Martin for distribution to the group.

Regards,

Nathalie

From: Cindy Blackstock <cblackst@fncaringsociety.com>
Sent: February 4, 2020 10:31 PM

To: Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca>
Cc: Sarah Fredericks <sfredericks@fncaringsociety.com>; Stephanie Wellman <SWellman@afn.ca>;
Abernethy-Gillis, Robyn (AADNC/AANDC) <robyn.abernethy-gillis@canada.ca>
Subject: Re: Prevention Document

Thank you Nathalie

Can you please let me know when the next iteration will be forthcoming?

Thanks

Cindy Blackstock, PhD
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From: Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca>
Sent: February 4, 2020 6:09 PM
To: Cindy Blackstock
Cc: Sarah Fredericks; Stephanie Wellman; Abernethy-Gillis, Robyn (AADNC/AANDC)
Subject: RE: Prevention Document

Good afternoon Dr. Blackstock.

I understand your concern, and it will be noted in the next iteration of the Prevention Guide.

Regards,

Nathalie

From: Cindy Blackstock <cblackst@fncaringsociety.com>
Sent: January 30, 2020 12:30 PM
To: Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca>
Cc: Sarah Fredericks <sfredericks@fncaringsociety.com>; Stephanie Wellman <SWellman@afn.ca>
Subject: Re: Prevention Document

Hello Nathalie

Thank you and I look forward to seeing the revised document. I am formally requesting that you note the Caring Society's objection to the outcomes both in our input before they were adopted and since. The current phrasing implies our agreement which is inappropriate and inaccurate.

The Caring Society has been very clear both in our oral and written communication with ISC that until Canada produces quality independent peer review evidence to validate these outcomes we do not consider them valid. We further urge Canada to not link funding and reporting requirements to them.

The use of non-evidence informed outcome measures is not in the best interests of First Nations children and families.

I am copying Stephanie on this as NAC had taken a similar position.

Please advise if ISC is going to include a statement acknowledging our position on the outcomes in all documents referring to them and suggesting they were developed with our input.

Regards
Cindy.

Sent from my iPhone

On Jan 30, 2020, at 9:20 AM, Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca> wrote:

Hello Dr. Blackstock,

Thank you for your additional comments regarding the First Nations Child and Family Services (FNCFS) Prevention Directive that was shared with the parties January 14, 2020. We are reviewing and will incorporate where possible (e.g. removing some of the outdated resource links) and share the latest iteration of the Directive in advance of the next CCCW meeting.

We remain committed to working with the Parties to identify appropriate targets, indicators and results, and welcome future discussions on the outcomes.

As is required by Treasury Board Policies, the Directive on Transfer Payments, and the *Financial Administration Act*, all funding requests to federal departments must be linked to program terms and conditions, eligible expenditures and outcomes. The existing outcomes for the Program are included in the current terms and conditions document that was developed with input from the Parties. For the time being, these are the outcomes that have been approved, and all activities that recipients undertake must be working towards achieving these outcomes.

As I have previously advised, these are the outcomes we have to work with, however we want to work with the Parties to possibly look at developing a management control framework, similar to the one developed by FNIHB for Jordan's Principle that, as a first step, could focus on the outcomes and indicators of the FNCFS Program.

Please let me know what you think of this approach and I will be happy to have a call with you to discuss.

Many thanks again.

Nathalie

From: Cindy Blackstock <cblackst@fncaringsociety.com>
Sent: Thursday, January 16, 2020 2:36 PM
To: Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca>
Cc: Sarah Fredericks <sfredericks@fncaringsociety.com>; Legault, Lisa (AADNC/AANDC) <lisa.legault@canada.ca>; Philippe, Marie-Claude (AADNC/AANDC) <marie-claude.philippe@canada.ca>
Subject: Re: Prevention Document

Hello Nathalie, Marie-Claude and Lisa

I am sorry you were unable to do the call at noon today and hope that whatever took you away is resolved.

Please find attached my feedback on the prevention directive. Overall, I am concerned about ISC entrenching outcomes which are not evidence informed and linking funding to those outcomes. I also recommend that references be either strengthened using an evidence informed approach (i.e.: creating a matrix of inclusion/exclusion criteria and then including that along with the list of references) or drop the reference list all together as it is not helpful in its current form (dated, resources not peer reviewed, citations to general research are included when First Nations specific data are available, etc.).

I would also like to see the Directive on Multi-year Plans.

I am on the road for the next two weeks – looking forward to hearing back,

Cindy



Indigenous
Services Canada

Services aux
Autochtones Canada

FIRST NATIONS CHILD AND FAMILY SERVICES

PROGRAM DIRECTIVE

PREVENTION / LEAST DISRUPTIVE MEASURES

January 2020



Canada

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DRAFT

PREAMBLE

On January 26, 2016 the Canadian Human Rights Tribunal found Canada's First Nations Child and Family Services Program was discriminatory and ordered Canada to immediately cease its discriminatory conduct. The other Parties were unsatisfied with Canada's progress and brought non-compliance motions in 2017. On February 1, 2018 the CHRT ordered Canada to fully reimburse First Nations child and family services agencies' costs for prevention/least disruptive measures, intake and investigation, legal fees, building repairs, the child service purchase amount and for small agencies, based on actual needs and on the same basis as the practice for funding maintenance costs (i.e. to fully reimburse actual costs for these services as determined to be in the best interest of the child).

The paragraphs of the February 1, 2018 CHRT decision relating to the reimbursement of eligible actual costs can be found in **Annex A of this document** and the full decision can be found at: <https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/308639/index.do?q=fncfs>.

The Government of Canada is committed to **working with partners**¹ to fully implement the orders of the Canadian Human Rights Tribunal. One of the key aspects of the reform is to make the system child-centered, community-directed and focused on prevention and early intervention. With program reform, services under the First Nations Child and Family Services (FNCFS) Program ~~will be provided~~**must be provided** on the basis of **substantive equality** to address the specific needs and circumstances of First Nations children and families living on-reserve **and in the Yukon**— including their cultural, historical and geographical needs and circumstances – in a manner that accounts for cost drivers related to inflation and increased needs or numbers of children in care and their families.

As part of the reform in December 2018, the Government of Canada established, new enhanced Program Terms and Conditions that:

- expand eligible initiatives and projects funded under the program, including prevention-based supports and activities;
- introduce the Community Well-being and Jurisdiction Initiatives funding stream; and
- update FNCFS Program **outcomes**.

Commented [CB1]: Should include relevant portions of 2016 CHRT 2

Commented [CB2]: You should specifically include the order to revise ISC policies and procedures to align with the CHRT decisions

Commented [CB3]: What does this mean? Why not use consult per the CCCW and legal requirements per Canada's relationship with First Nations?

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Commented [CB4]: In previous CCCW meetings the Caring Society has requested, and Canada agreed, to not refer or imply that the Caring Society was in agreement with Canada's documents. In this case we have repeatedly raised concerns about the outcomes Canada is using. Please revise accordingly.

Commented [CB5]: Insert note that NAC, the Caring Society do not agree with the outcomes and did not agree with the outcomes prior to them being adopted by TB

¹ To ensure inclusiveness, the term "partners" is not defined and could include First Nations, provincial and territorial governments, national and regional Indigenous organizations, and other Parties to the Tribunal complaint.

1. SCOPE

This document Directive applies to support guides? for the delivery of prevention/least disruptive measures services within the FNCFS Program and should be considered in conjunction with the CHRT orders, the Act Respecting First Nations, Metis and Inuit Children, Youth and Families, the Terms and Conditions and the National Recipient Guide of the FNCFS Program. Note that legislation and legal orders have supremacy over ISC Terms and Conditions and other program policies.

Commented [CB6]: Delivery or funding?

This Directive provides guidance to Recipients and Indigenous Services Canada (ISC) Headquarters and Regional Offices on:

- the prevention/least disruptive measures component within the FNCFS Program;
- access to funding as per the CHRT decision (including requirements to be met when preparing prevention/least disruptive reimbursement claims); and
- the planning and reporting requirements for FNCFS agencies.

Commented [CB7]: Note that these need to be carefully reviewed as the CHRT orders do not have preconditions to reimbursement.

As the Directive is not an exhaustive document, FNCFS agencies are encouraged to explore the recommended resources listed in Annex B, as well as to seek further guidance from their ISC regional office.

Commented [CB8]: These resources require revision to ensure they have cultural validity, are reflective of the current state of knowledge and whenever possible that the works are peer reviewed or done by authorities such as IFSD, the Auditor General, PBO etc.

2. PREVENTION / LEAST DISRUPTIVE MEASURES

The following are the paragraphs of the February 1, 2018 CHRT Decision² relating to prevention/least disruptive measures:

[410] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada, pending long term reform of its National FNCFS Program funding formulas and models, to eliminate that aspect of its funding formulas/models that creates an incentive resulting in the unnecessary apprehension of First Nations children from their families and/or communities. To this effect, and pursuant to Section 53 (2) (a) of the CHRA, the Panel orders INAC to develop an alternative system for funding prevention/least disruptive measures, intake and investigation, legal fees, and building repairs services for First Nations children and families on-reserve and in the Yukon, based on actual needs which operates on the same basis as INAC's current funding practices for funding child welfare maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by the FNCFC agencies to be in the best interests of the child and develop and implement the methodology including an accountability framework in consultation with AFN, the Caring Society, the Commission, the COO and the NAN (see protocol order below), by April 2, 2018 and report back to the Panel by May 3, 2018.

[411] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada to cease its discriminatory funding practice of not fully funding the costs of prevention/least disruptive measures, building repairs, intake and investigations and legal fees. In order to ensure proper data collection and to be responsive to the real needs of First Nations children, the Panel orders Canada, to provide funding on actual costs for least disruptive measures/prevention, building

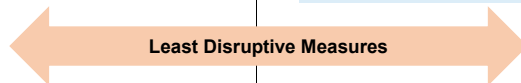
² <https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/308639/index.do?q=fnfcs>.

repairs, intake and investigations and legal fees in child welfare to be reimbursed retroactive to January 26, 2016 by April 2, 2018. This order complements the order above.

2.1 Three categories of prevention / least disruptive measures

On January 26, 2016, the CHRT described and classified prevention services into three³ main categories, primary, secondary and tertiary prevention.

Primary Prevention	Secondary Prevention	Tertiary Prevention
<p>Target: community</p> <ul style="list-style-type: none"> Concrete activities such as awareness campaigns and information sessions targeted to person(s) at risk of interacting with CFS in order to reduce risk factors. Promotion and awareness on how to recognize and respond to child maltreatment. 	<p>Target: families, caregivers and/or children</p> <ul style="list-style-type: none"> Child protection concerns have been identified for a specific child(ren). Targeted interventions and measures are implemented to address the risks of child maltreatment and enhance the protective factors to help avoid crisis. Group intervention or specific family support activities that are directly linked to the child protection concerns. 	<p>Target: families, caregivers and/or children</p> <ul style="list-style-type: none"> Child requires protection services (open case file). Strategies (can be varied) are tailored to the caregiver/child's specific needs in order to end maltreatment and keep the family together. These activities relate to specific family member needs and are aimed at preventing/ending the crisis- to avoid removal of the child(ren) from the home. It also includes services⁴ provided to families who have their children removed in order to remediate risks so the child can return home.



Least disruptive measures refers to the most appropriate level of service needed by a family whose children are at risk of maltreatment or where maltreatment has taken place. Child removal would be used only after having explored all other options.

Commented [MP9]:
Alternate wording :
These activities relate to specific family member needs and are aimed at preventing/ending the crisis- to avoid removal of the child(ren) from the home and while the children are in care so that they can return home.

Commented [MP10R9]: Text revised.

Commented [MP11]: Mathieu

³ The reference to the three levels of prevention services is formatted different but verbatim from the CHRT decision, paragraph [116] : <https://decisions.chrt-tcdp.qc.ca/chrt-tcdp/decisions/en/item/308639/index.do?q=fnfcs>

⁴ Where these are not already covered by maintenance funding.

2.2 Examples⁵ of prevention / least disruptive measures

Prevention/least disruptive measures and activities must clearly link to the Program's **outcomes** and address the risks identified and strengthen protective factors to support a child and a family where if no intervention is taken, the child will be at risk of being taken into care. See Annex A for risk and prevention factors.

Primary Prevention	Secondary Prevention	Tertiary Prevention
<ul style="list-style-type: none"> • Violence and anger management sessions • Nutrition classes for teen parents • Awareness campaigns on child maltreatment and its prevention and on the reporting of suspect child abuse and neglect • Parenting support services 	<ul style="list-style-type: none"> • Home visit programs for new parent(s) / teen parent(s). • Parent mentoring programs • Life-skills training • Parenting skills training • Family counseling, guidance and assessment • Mediation of disputes 	<ul style="list-style-type: none"> • Immediate crisis intervention supports • Intensive family preservation services • Family support worker costs for education, appropriate modeling techniques, and other supportive services or educational classes such as behavior management, independent living skills, parenting skills • Restorative intervention services • In-home support assistance with meal preparation, housekeeping and shopping • Child care, respite care

Commented [CB12]: These have already been identified as flawed and yet INAC continues to rely on them. This is inappropriate and reflects a reverence for bureaucratic norms versus a shift required to observe the CHRT decision. There is no MUST here- the only must is Canada MUST observe the orders. They prevail over any ISC policy or administrative procedure.

Commented [MP13R12]: We acknowledge that these outcomes are subject to changes and we are hoping to work with the Parties to develop other meaningful outcomes. However, for the time being, these are the outcomes that have been approved, and all activities that recipients undertake must be working towards achieving these outcomes.

Commented [CB14R12]: To be clear, Canada has been ordered to bring its policies into alignment with the CHRT decisions. Having outcomes with no evidence base contributed to the discrimination in EPFA- ISC is replicating the problem here. It has produced no peer reviewed evidence to support these outcomes, refused to change them whilst the Ts and Cs were being developed and now wants to enshrine them as a measure for prevention and capital. NAC also expressed concerns and provided alternate wording for the outcomes and a contextual statement- both of which ISC refused This, in our view, is non compliant with the CHRT order and the Act.

3. FUNDING

Programming and costs subject to reimbursement under the February 1, 2018 CHRT decision ~~are based on actual needs to implement targeted interventions~~ **must account for the actual needs of children in their distinct circumstances** (i.e.: as identified in the intake, assessment, family service

⁵ As the list of examples is not exhaustive, agencies are encouraged to seek further guidance from their ISC regional offices.

plan, family care/case plan, child's service plan, child in care plan, case plan, care plan, family enhancement agreement or similar document) and based on the community need assessment and plan to address protection concerns identified and notifications and incidents reported on child maltreatment, abuse and neglect.

Eligible activities and costs must address the protection concerns identified and notifications reported and strengthening protective factors to support a child and a family where if no intervention is taken, the child will be at risk of being taken into care.

Accordingly, eligible activities and costs support the intent of the FNCFS Program to reduce the number of children in care by addressing the specific needs identified for a child or a family, implementing targeted and concrete actions to mitigate or avoid child maltreatment; reducing the risk of having the child interacting with the welfare system or being taken into care; and redressing risks for children who are in care to enable their return home.

Prior to seeking reimbursement for actuals related to prevention/least disruptive measures, the following types of questions could be used to support the planning and or the decision-making process:

- Which risks are identified?
- What intervention is needed to address the risks?
- In what way(s) the prevention activities address the concerns and risks identified and strengthen protective factors to reduce the incidence of children interacting with the welfare system and being taken into care?
- Is the FNCFS Program the best way to address the risks or strengthen protective factors?
 - If no prevention intervention is taken, then what will be the impact?
- Are there other federal, provincial/territorial, or municipal programs that are better suited to address the needs while not placing the child at a disadvantage?

4. PREVENTION PLANNING

Although prevention/least disruptive measures expenses may be subject to reimbursement under the February 1, 2018, CHRT decision, it is recommended that prevention activities and associated costs be identified in a multi-year plan.

Planning is integral to the success of prevention/least disruptive measure programming. It enables a proactive, outcomes-focused approach in which strengths and needs are identified, prevention/least disruptive measures initiatives are tailored, and resources are dedicated to the priorities.

Accordingly, the FNCFS Program supports prevention/least disruptive measures programming that is are culturally appropriate, thoughtful and deliberate, where initiatives are planned that support reducing/preventing imminent risk of child maltreatment, and provides services to those most at risk or those who most need it first.

Commented [MP15]: Remediating all forms of maltreatment goes above and beyond the scope of the program.

Commented [CB16R15]: What forms of maltreatment go above and beyond the program? What forms of maltreatment are included?

Commented [CB17]: Who decides this? It is important that ISC not second guess professional assessments by social workers on the ground.

Commented [MP18]: The purpose of the Prevention Directive is not to make decisions on, or question what activities are deemed necessary by the Agency / Social Worker to address prevention. The purpose of the Directive is to provide recipients more detail in terms of examples on eligibility of prevention/least disruptive measures reimbursement claims and is meant to be a companion document to the T&Cs.

Commented [CB19]: Reword so as not to imply that all prevention services have a focus on reducing children in care- the services are meant to strengthen families and reduce child maltreatment regardless of whether the child comes into care.

Commented [CB20]: This is the programs objective and we have already pointed to the lack of evidence to support this. The CHRT also looked at this re :EPFA-Canada's expectations fo reductions in care were unrealistic.

Commented [MP21]: Noted. Text Revised.

Commented [CB22]: This continues to be highly problematic. Canada cannot add pre-conditions to reimbursement it has been ordered to make. The ... [1]

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Commented [CB23]: This is way too much information for the Department to request and should be doub... [2]

Commented [MP24]: The questions included are meant to support and guide agencies in the planni... [3]

Commented [CB25]: Not "may" they are "are"

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Commented [CB26]: Reiterating my comment that there is no requirement in the CHRT. IF Canada is ... [4]

Commented [CB27]: Why- there is no such requirement in the CHRT. We have also challeng... [5]

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Commented [CB28]: What are you getting at with this paragraph?

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Commented [CB29]: See previous comemnts0 this is inconsistent with child welfare law.

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Through its multi-year planning process, a Recipient is encouraged to research and consult with the community to:

- identify the risk factors to be alleviated and the protective factors to be developed;
- prioritize issues and responses, ensuring that imperative factors are appropriately addressed; and
- determine what intervention (early or targeted) is needed at the secondary and tertiary levels of prevention/least disruptive measures.

A Recipient may not be the only organization in the community that will play a role in helping to mitigate risk factors and enhance protective factors. Health service providers, educational institutions, cultural institutions, and other social service providers may offer assistance that can support the well-being of individuals, families and communities.

Service providers working together are likely to be more effective and to use their respective resources more efficiently. In some cases, building connections and working to strengthen and revitalize mutually respectful relationships with other service providers will support equitable and culturally safe child and family services for First Nations children, youth and families.

When planning, a Recipient will decide when to assume a lead role when a need is directly related to child welfare. It also will determine when it is more appropriate to take a supporting or referring role, such as when an issue is more relevant to the mandate of another service provider. Both roles serve to improve conditions within the community by assisting community members to obtain the services and resources they need from the appropriate sources (see Directive on Agency Multi-Year Plan). A list of resources is included in Annex B to support and guide Recipients. Also included in Annex B is a reference to a prevention framework developed by the First Nations of Quebec and Labrador Health and Social Services Commission (Commission). Acknowledging the experience of the Commission in relation to community engagement and planning, their Prevention Services Framework is available to agencies to use as a tool to guide the First Nation communities they serve regarding planning, developing and implementing actions towards addressing child welfare and well-being of children and families based on the most urgent needs and community priorities identified.

5. REPORTING

The availability of and access to culturally appropriate prevention/least disruptive measures services are identified as key Program outcomes. Historically, ISC has collected data on maintenance (i.e., protection children admitted into care), but there has been limited information that would pertain to the new outcomes or to the effectiveness of the reformed FNCFS Program, specifically the prevention/least disruptive measures component.

As of April 2019, a new Data Collection Instrument (DCI) has been made available in addition to the DCI on maintenance, in both online and paper formats, to enable reporting on prevention/least

Commented [CB30]: Is Canada funding this? Is this a requirement for funding? If so, please note that multi-year plans are NOT a requirement for the CHRT. Canada ought to be very cautious about applying pre-conditions for funding that has been ordered to remediate Canada's discriminatory conduct.

Commented [CB31]: To what degree with ISC deny claims on this basis? What about stacking provisions?

Commented [MP32]: Stacking provisions are already addressed in contribution agreements.

Commented [CB33R32]: That does not answer the question. Please respond.

Commented [CB34]: Can we get a copy of this?

Commented [CB35]: Do you have their permission to cite this document in this one?

Commented [CB36]: Again ISC is asking people to collect information on outcomes that it cannot validate in research

Commented [CB37]: How can you judge efficacy of the prevention/LDM against outcomes that are not based on evidence?

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Commented [CB38]: Has this been screened by the Privacy Commissioner and against provincial/territorial child welfare legislation and C-92

Commented [MP39]: The Prevention DCI does not contain or involve any personal information sharing.

disruptive measures activities as well as on **additional** child welfare indicators to better demonstrate the overall performance of the FNCFS Program.

Commented [CB40]: What is ISC going to do with this information?

The new DCI for prevention/least disruptive measures, in addition to the existing DCI for maintenance, gathers data that can better demonstrate the overall **performance** of the FNCFS Program.

Commented [CB41]: Against the outcomes that are not evidence informed?

Program Indicators	Program Outcome
<ul style="list-style-type: none"> Number and list of prevention/least disruptive measures activities and total participants (children and families). 	<ul style="list-style-type: none"> First Nations families have greater access to culturally-appropriate prevention/least disruptive measures and early intervention services.
<ul style="list-style-type: none"> Number of prevention/least disruptive measures activities and programs delivered. 	<ul style="list-style-type: none"> First Nations service providers have adequate and predictable resources that allow for the development and delivery of culturally based child welfare standards and services including prevention/least disruptive measures services.
<ul style="list-style-type: none"> Number of reunification and other permanencies. 	<ul style="list-style-type: none"> First Nations children in care achieve permanence and stability.
<ul style="list-style-type: none"> Number of children at risk. Number of recurrence. Number of children who require . intervention support for the first time. 	<ul style="list-style-type: none"> The safety and well-being of First Nations children are improved.
<ul style="list-style-type: none"> Number of First Nations children in care. 	<ul style="list-style-type: none"> The over-representation of First Nations children in care is decreased compared to the proportion of non-Indigenous children in care in the overall population of children in Canada.
<ul style="list-style-type: none"> Percentage of kinship care. Number of cultural activities. 	<ul style="list-style-type: none"> Continuity of family, community and cultural connections is preserved for First Nations children in care.

Commented [CB42]: This one is particularly problematic. It was the same assumption in EPFA. Read the Commission's final argument submissions to learn more.

While the Program outcomes and the indicators have been established within the context of the FNCFS Program to ensure compliance with Treasury Board guidelines, each agency is encouraged to develop its own performance indicators that are reflective of the communities it serves. These indicators could be documented in the agency's multi-year plan and its annual report.

Commented [CB43]: These outcomes were not agreed to by CCCW or NAC

Commented [CB44]: Which ones will ISC be using - the community ones or the ones in this chart? What effect do the outcomes have on funding?

Commented [MP45]: Proposed :
While the FNCFS program already has outcomes and indicators based on the Treasury Board's policy on results, each agency is encouraged to develop other outcomes/results and indicators outside of the FNCFS program that are specific to the needs and priorities of the communities they serve. This is essential information to include and document in multi-year plans to highlight specific elements and success and enhance the reporting and work moving forward.

RISK AND PROTECTIVE FACTORS

Child maltreatment is a complex issue. Factors⁶ that will increase a child's risk of being abused or neglected may be related to the child's characteristics or those of their family, the community in which they live, or inequities in public services and social policies. Risk indicators, or factors, associated with an increased likelihood of maltreatment, vary for the different types of abuse or neglect. It is important to recognize that many people who have risk factors for maltreatment do not go on to maltreat children.

Risk factors are conditions or attributes of individuals, families, communities, or the larger society that discourage, disrupt or interfere with healthy family functioning.

Protective factors are those conditions or attributes of individuals, families, communities, or the larger society that promote well-being and reduce the risk of negative outcomes. Risk and protective factors can be categorized into three levels: individual, relationship, and community.

Examples of Risk Factors

Individual Risk Factors:

- parents' lack of understanding of children's needs, child development and parenting skills;
- parental history of child abuse and or neglect;
- substance abuse and/or mental health issues including depression in the family;
- parental characteristics such as young age, low education, single parenthood, large number of dependent children, and low income;
- non-biological, transient caregivers in the home (e.g., mother's male partner); and
- parental thoughts and emotions that tend to support or justify maltreatment behaviors.

Relationship (Family) Risk Factors:

- social isolation;
- family disorganization, dissolution, and violence, including intimate partner violence; and
- parenting stress, poor parent-child relationships, and negative interactions.

Community Risk Factors:

- concentrated neighborhood disadvantage (e.g., high poverty and residential instability, high unemployment rates, and high density of alcohol outlets), and poor social connections.

Commented [CB46]: CIS shows that child characteristics are not significant in decisions to substantiate child maltreatment. Most of the significant factors are at the household level driven by structural issues.

Commented [MP47]: Noted.

Commented [CB48R47]: Then why is it not changed?

Commented [MP49]: Suggest keeping original language. Inequities are already acknowledged on the preamble of the directive and in the terms and conditions of the program.

Commented [CB50R49]: I am fine with keeping the inequities but the child characteristic point is simply not supported by the evidence and ought to be deleted.

Commented [CB51]: First Nations are significantly over-represented for neglect – more particularly failure to supervise and failure to meet needs both of which are highly correlated to poverty and poor housing. It is important to be more precise- to an untrained eye – this statement presumes an even distribution of child maltreatment types.

Commented [MP52]: Noted

Commented [CB53R52]: Again why is this not adapted to First Nations children as the information is available?

Commented [CB54]: What source was used for these and were these culturally validated for First Nations?

Commented [MP55]: Reference provided in the footnote. It is mainly based from Centers for Disease Control and Prevention (CDC).

Commented [CB56R55]: The CDC provides a lot of valuable information but to my knowledge these are not culturally validated on Native Americans let alone First Nations. The CIS is a better source.

Commented [CB57]: This list does not account for the fact that different risk factors contribute to different forms of maltreatment and the larger the number of risk factors the larger the risk of child maltreatment. It also does not include the strong findings of the secondary analysis of the CIS specific to FN kids and the risk factors they experience.

Commented [MP58]: These are examples of risks keeping in mind the FNCFS authorities and the intent of the program.

Commented [CB59R58]: How would providing evidence informed risk factors over general examples not be in alignment with FNCFS authorities or the program intent?

⁶ <https://www.cdc.gov/violenceprevention/childabuseandneglect/riskprotectivefactors.html>

Examples of Protective Factors

Individual Protective Factors:

- **social and emotional competence of children:** Family and child interactions that help children develop the ability to communicate clearly recognize and regulate their emotion and establish and maintain relationships.
 - self-regulation skills.
 - problem-solving skills.
- **cultural connection:** Connection to one's culture can be a source of individual strength for a child.

Relationship (Family) Protective Factors:

- **knowledge of parenting and child development:** The ability to exercise effective parenting strategies to guide and know what to expect as children develop in multiple domains (physical, cognitive, language, social and emotional).
 - nurturing parenting skills.
 - household rules and child monitoring.
 - parental education.
- **parental resilience:** The ability to recover from difficult life experiences, and often to be strengthened by and even transformed by those experiences.
 - supportive family environment and social networks.
 - stable family relationships.
 - parental employment.
- **social connections to community and culture:** The ability and opportunity to develop positive relationships that lessen stress and isolation and help to build a supportive network.
 - positive community environment with strong cultural connections and teachings (i.e. cultural teachings about parenting).
 - positive school environment.
 - caring adults outside the family who can serve as role models or mentors.

Community Protective Factors:

- **concrete support in times of need:** Access to supports and services that reduces stress and helps to make families stronger.
 - communities that support parents and take responsibility for preventing abuse.
 - access to health care and social services.

ANNEX B

RECOMMENDED LIST OF RESOURCES

Center for the Study of Social Policy: *The Strengthening Families Approach and Protective Factors Framework* - <https://cssp.org/wp-content/uploads/2018/11/Branching-Out-and-Reaching-Deeper.pdf>

Child Welfare Information Gateway: *Promoting Protective Factors for In-Risk Families and Youth: A guide for practitioners* - <https://www.childwelfare.gov/pubs/factsheets/in-risk/>

Child Welfare Information Gateway - Framework for Prevention of Child Maltreatment
<https://www.childwelfare.gov/pubs/usermanuals/neglect-93/>

First Nations Child and Family Caring Society of Canada – Staying At Home, Examining the implication of Lease Disruptive Measures in First Nations Child and Family Service Agencies - https://fncaringociety.com/sites/default/files/docs/Staying_at_Home.pdf

Canadian Incidence Study of Reported Child Abuse and Neglect:
<https://cwrp.ca/publications/canadian-incidence-study-reported-child-abuse-and-neglect-2008-cis-2008-major-findings>

Ministry of Children and Family Development British Columbia -
Running head: EARLY INTERVENTION AND PREVENTION -
<https://www.uvic.ca/research/assets/docs/rpkm/Paulina%20Gornicki%20%20%20Early%20Intervention%20and%20Prevention%20for%20Aboriginal%20Children%20and%20Families%20%20Final%20Report.pdf>

World Health Organization – Preventing Child Maltreatment: A guide to taking action and generating evidence -
https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365_eng.pdf;jsessionid=3A804E18D4D93960D4A8E08D94192E1E?sequence=1

World Health Organization – Measuring and monitoring national prevalence of child maltreatment: a practical handbook - http://www.euro.who.int/_data/assets/pdf_file/0003/317505/Measuring-monitoring-national-prevalence-child-maltreatment-practical-handbook.pdf

2015 Prevention Resource Guide: Making Meaningful Connections -
<https://www.childwelfare.gov/pubPDFs/2015guide.pdf>

2018 Prevention Resource Guide: Keeping Children Safe and Families Strong in Supportive Communities - https://www.childwelfare.gov/pubPDFs/guide_2018.pdf

First-Line Prevention Services Framework: First Nations of Quebec and Labrador Health and Social Services Commission <http://www.cssspnql.com/en/fnqlhssc>

Child Welfare League of Canada
www.cwlc.ca

Centre of Excellence for Child Welfare
www.cecw-cepb.ca

Commented [CB60]: Recommend working with the CIS team to develop a more rigorous list of resources or to provide CCW with an inclusion/exclusion matrix on how ISC identified prevention resources and then decided to include or not include them. The current list is of limited value.

Commented [CB61]: Any peer review articles? What about the CIS ? Why are the structural factors identified in the WHO report, CWLC, Caring Society paper and in CIS not specifically identified in the above text?

Commented [MP62]: More resources added.

Commented [CB63]: This is a Master paper not a published article

Commented [MP64]: As identified in the section title, the list is meant to provide resources as guidance to Agencies. ...

Commented [CB65]: This document supports the Spirit Bear plan and redress of structural inequalities but that is not dealt with in the text.

Commented [MP66]: Noted.

Commented [CB67R66]:

Commented [CB68]: I was one of the members of this group but it was defunded by Canada well over a decade ago. While some materials may be relevant they are dated.

Commented [MP69]: Noted

Commented [CB70R69]: This should be deleted or you should add a line noting this was closed 15 years ago.

Page 7: [1] Commented [CB22] Cindy Blackstock 2020-01-16 1:31:00 PM

This continues to be highly problematic. Canada cannot add pre-conditions to reimbursement it has been ordered to make. The decision regarding the nature of the service needs to be made by social workers who are authorized to make those decisions. Canada ought not involve itself in adjudicating those decisions by deciding what to pay for and what not to pay for.

Page 7: [2] Commented [CB23] C BLACKSTOCK 2019-11-06 7:08:00 PM

This is way too much information for the Department to request and should be double checked with the Privacy Commissioner and against privacy provisions of CFSA acts that prohibit the sharing of children's information to accommodate billing and other matters not related to the best interests of the child.

Page 7: [3] Commented [MP24] Marie-Claude Philippe 2019-11-28 6:20:00 PM

The questions included are meant to support and guide agencies in the planning process only.

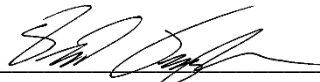
Page 7: [4] Commented [CB26] Cindy Blackstock 2020-01-16 1:33:00 PM

Reiterating my comment that there is no requirement in the CHRT. IF Canada is imposing this requirement it ought to seek permission from the Tribunal.

Page 7: [5] Commented [CB27] C BLACKSTOCK 2019-11-06 7:10:00 PM

Why- there is no such requirement in the CHRT. We have also challenged the utility of these multi-year plans and ISC has not responded with a convincing reason as to why such plans are required.

This is **Exhibit “7”**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

From: Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca>
Sent: Friday, March 13, 2020 5:32 PM
To: Lorna Martin; Akosua Matthews; Alvin Fiddler; Anne Levesque; Bobby Narcisse; Brian Smith; Cindy Blackstock; David Taylor; GC Joel Abram; Deecker3, Gordon (SAC/ISC); Jessica Walsh; Jon Thompson; Judith Rae; Maggie Wente; Molly Churchill; Ruby Miller; Sarah Clarke; Sarah Fredericks; Sinead Dearman; Stephanie Wellman; Stuart Wuttke
Cc: Martin Orr; Livadiotakis, Georgia (SAC/ISC); Gideon, Valerie (SAC/ISC); Wilkinson, Joanne (AADNC/AANDC); Robert Frater; McLean, John (AADNC/AANDC); Abernethy-Gillis, Robyn (AADNC/AANDC); Regimbald, Karen (AADNC/AANDC); Riendeau, Leah (AADNC/AANDC)
Subject: Prevention and Recipient Guides
Attachments: NATIONAL RECIPIENT GUIDE BASED ON CS and NAN FEEDBACK (JANUARY 2020).pdf; CFB-NCR-Directive-Prevention-2020.pdf; CFB-NCR-Directive-Prevention-2020.pdf; Prevention Directive Feedback Tracker - Comments Nov 2019 & Jan 2020.pdf

Good afternoon everyone,

I hope this email finds you in good health and spirits.

Martin, I decided to send this out myself to save you some time - - apologies for the duplication of emails to you.

Please find attached the final draft versions of two guidance documents for First Nations Child and Family Services (FNCFS) Program operations: The National Recipient Guide; and the Prevention Directive.

As you know, we have been working on these guidance documents for some time, to support recipients in the actuals submission process. We are at a critical point where we need to get these documents out for the 2019-20 and 2020-21 fiscal year claims. Therefore, we are preparing to send these documents out to ISC regional offices and recipients early next week.

It is understood that the Parties have expressed opposition to certain aspects of these documents; particularly the outcome statements. I acknowledge these objections and agree that more work needs to be done by the Program in collaboration with the Parties to ensure that the outcomes are articulated in a different way. While the Department remains committed to working with partners on the FNCFS measurement and accountability strategy, the existing outcomes will be used until that strategy is developed.

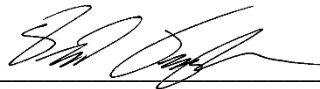
To continue to enhance and solidify the involvement of the Parties in improving these outcomes going forward, we've communicated our desire to involve them in the development of an FNCFS-specific Control Framework and policy documentation modelled on those of Jordan's Principle at the First Nations and Inuit Health Branch. We hope to emulate that process as much as possible, starting with engaging the consultants that completed that work.

I look forward to discussing thoughts on this approach and next steps at the next CCCW meeting.

Regards,

Nathalie

This is **Exhibit "8"**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q



Indigenous
Services Canada

Services aux
Autochtones Canada

FIRST NATIONS CHILD AND FAMILY SERVICES

PROGRAM DIRECTIVE

PREVENTION / LEAST DISRUPTIVE MEASURES

March 2020

A vertical decorative graphic on the right side of the page, consisting of overlapping, semi-transparent, curved shapes in shades of blue, purple, and white. At the bottom of this graphic is a small inset of the Canadian flag.

Canada

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DRAFT

PREAMBLE

On January 26, 2016 the Canadian Human Rights Tribunal found Canada's First Nations Child and Family Services Program was discriminatory and ordered Canada to immediately cease its discriminatory conduct. The other Parties were unsatisfied with Canada's progress and brought non-compliance motions in 2017. On February 1, 2018 the CHRT ordered Canada to fully reimburse First Nations child and family services agencies' costs for prevention/least disruptive measures, intake and investigation, legal fees, building repairs, the child service purchase amount and for small agencies, based on actual needs and on the same basis as the practice for funding maintenance costs (i.e. to fully reimburse actual costs for these services as determined to be in the best interest of the child).

The paragraphs of the February 1, 2018 CHRT decision relating to the reimbursement of eligible actual costs can be found in **Annex A of this document** and the full decision can be found at: <https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/308639/index.do?q=fncfs>.

The Government of Canada is committed to working with partners¹ to fully implement the orders of the Canadian Human Rights Tribunal. One of the key aspects of the reform is to make the system child-centered, community-directed and focused on prevention and early intervention. With program reform, services under the First Nations Child and Family Services (FNCFS) Program must be provided on the basis of [substantive equality](#) to address the specific needs and circumstances of First Nations children and families living on-reserve and in the Yukon—including their cultural, historical and geographical needs and circumstances – in a manner that accounts for cost drivers related to inflation and increased needs or numbers of children in care and their families.

As part of the reform in December 2018, the Government of Canada established, new enhanced Program Terms and Conditions that:

- expand eligible initiatives and projects funded under the program, including prevention-based supports and activities;
- introduce the Community Well-being and Jurisdiction Initiatives funding stream; and
- update FNCFS Program outcomes.

As is required by Treasury Board Policies, the Directive on Transfer Payments, and the *Financial Administration Act*; all funding requests to federal departments must be linked to Program terms and conditions, eligible expenditures and outcomes. The existing outcomes for the Program are included in the current terms and conditions document that was developed with input from the Parties. For the time being, these are the outcomes that have been approved, and all activities that recipients undertake must be working towards achieving these outcomes.

Parties to the Tribunal have expressed that they do not agree with the Program outcomes and that until Canada produces quality independent peer review evidence to validate current Program outcomes, they do not consider them valid.

¹ To ensure inclusiveness, the term “partners” is not defined and could include First Nations, provincial and territorial governments, national and regional Indigenous organizations, and other Parties to the Tribunal complaint.

ISC acknowledges the Parties comments and is committed to working with them to develop new outcomes and indicators to better support the FNCFS Program's objective to strengthen the safety and well-being of First Nations children and their families ordinarily resident on reserve by funding culturally appropriate prevention and protection services for child welfare.

DRAFT

1. SCOPE

This Directive provides guidance on prevention/least disruptive measures services within the FNCFS Program and should be considered in conjunction with the CHRT orders; the *Act Respecting First Nations, Metis and Inuit Children, Youth and Families*; the Terms and Conditions; and the National Recipient Guide of the FNCFS Program. Note that legislation and legal orders have supremacy over ISC Terms and Conditions and other program policies.

This Directive provides guidance to Recipients and Indigenous Services Canada (ISC) Headquarters and Regional Offices on:

- the prevention/least disruptive measures component within the FNCFS Program;
- access to funding as per the CHRT decision (including requirements to be met when preparing prevention/least disruptive reimbursement claims); and
- the planning and reporting requirements for FNCFS agencies.

As the Directive is not an exhaustive document, FNCFS agencies are encouraged to explore the recommended resources listed in Annex B, as well as to seek further guidance from their ISC regional office.

2. PREVENTION / LEAST DISRUPTIVE MEASURES

The following are the paragraphs of the February 1, 2018 CHRT Decision² relating to prevention/least disruptive measures:

[410] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada, pending long term reform of its National FNCFS Program funding formulas and models, to eliminate that aspect of its funding formulas/models that creates an incentive resulting in the unnecessary apprehension of First Nations children from their families and/or communities. To this effect, and pursuant to Section 53 (2) (a) of the CHRA, the Panel orders INAC to develop an alternative system for funding prevention/least disruptive measures, intake and investigation, legal fees, and building repairs services for First Nations children and families on-reserve and in the Yukon, based on actual needs which operates on the same basis as INAC's current funding practices for funding child welfare maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by the FNCFC agencies to be in the best interests of the child and develop and implement the methodology including an accountability framework in consultation with AFN, the Caring Society, the Commission, the COO and the NAN (see protocol order below), by April 2, 2018 and report back to the Panel by May 3, 2018.

[411] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada to cease its discriminatory funding practice of not fully funding the costs of prevention/least disruptive measures, building repairs, intake and investigations and legal fees. In order to ensure proper data collection and to be responsive to the real needs of First Nations children, the Panel orders Canada, to provide funding on actual costs for least disruptive measures/prevention, building

² <https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/308639/index.do?q=fncfs>.

repairs, intake and investigations and legal fees in child welfare to be reimbursed retroactive to January 26, 2016 by April 2, 2018. This order complements the order above.

2.1 Three categories of prevention / least disruptive measures

On January 26, 2016, the CHRT described and classified prevention services into three³ main categories, primary, secondary and tertiary prevention.

Primary Prevention	Secondary Prevention	Tertiary Prevention
<p><i>Target: community</i></p> <ul style="list-style-type: none"> • Concrete activities such as awareness campaigns and information sessions targeted to person(s) at risk of interacting with CFS in order to reduce risk factors. • Promotion and awareness on how to recognize and respond to child maltreatment. 	<p><i>Target: families, caregivers and/or children</i></p> <ul style="list-style-type: none"> • Child protection concerns have been identified for a specific child(ren). Targeted interventions and measures are implemented to address the risks of child maltreatment and enhance the protective factors to help avoid crisis. • Group intervention or specific family support activities that are directly linked to the child protection concerns. 	<p><i>Target: families, caregivers and/or children</i></p> <ul style="list-style-type: none"> • Child requires protection services (open case file). Strategies (can be varied) are tailored to the caregiver/child's specific needs in order to end maltreatment and keep the family together. • These activities relate to specific family member needs and are aimed at preventing/ending the crisis- to avoid removal of the child(ren) from the home. It also includes services⁴ provided to families who have their children removed in order to remediate risks so the child can return home.

Least Disruptive Measures

Least disruptive measures refers to the most appropriate level of service needed by a family whose children are at risk of maltreatment or where maltreatment has taken place. Child removal would be used only after having explored all other options.

³ The reference to the three levels of prevention services is formatted different but verbatim from the CHRT decision, paragraph [116] : <https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/308639/index.do?q=fnfcs>

⁴ Where these are not already covered by maintenance funding.

2.2 Examples⁵ of prevention / least disruptive measures

Prevention/least disruptive measures and activities must clearly link to the Program’s outcomes, address the risks identified, and strengthen protective factors to support a child and a family where, if no intervention is taken, the child will be at risk of being taken into care. **The Program requires a reasonable level of evidence from a qualified individual (i.e. social worker).that the activity is required in reducing risk and supports the needs of the child/family at risk.**

See Annex A for risk and prevention factors.

Primary Prevention	Secondary Prevention	Tertiary Prevention
<ul style="list-style-type: none"> • <i>Violence and anger management sessions</i> • <i>Nutrition classes for teen parents</i> • <i>Awareness campaigns on child maltreatment and its prevention and on the reporting of suspect child abuse and neglect</i> • <i>Parenting support services</i> 	<ul style="list-style-type: none"> • <i>Home visit programs for new parent(s) / teen parent(s).</i> • <i>Parent mentoring programs</i> • <i>Life-skills training</i> • <i>Parenting skills training</i> • <i>Family counseling, guidance and assessment</i> • <i>Mediation of disputes</i> 	<ul style="list-style-type: none"> • <i>Immediate crisis intervention supports</i> • <i>Intensive family preservation services</i> • <i>Family support worker costs for education, appropriate modeling techniques, and other supportive services or educational classes such as behavior management, independent living skills, parenting skills</i> • <i>Restorative intervention services</i> • <i>In-home support assistance with meal preparation, housekeeping and shopping</i> • <i>Child care, respite care</i>

⁵ As the list of examples is not exhaustive, agencies are encouraged to seek further guidance from their ISC regional offices.

3. FUNDING

Through its Social Development Program, ISC (the department) administers the provision of social services that contribute to individual, family and community well-being for First Nations. Eligible programs and funding streams are available to recipients and include: First Nations, First Nations organizations, provinces and territories, and other service providers authorized by the department and on consent of First Nations.

FNCFS oversees and provides contribution funds for the ongoing provision of culturally-appropriate prevention and well-being services for First Nations children and families on reserve.

The Family Violence Prevention Program (FVPP) also funds prevention and awareness activities for Indigenous communities and organizations (First Nations, Inuit and Métis) off reserve. These programs are intended for Indigenous people.

The FNCFS program is intended to emphasize the use of preventive, early intervention and least disruptive measures in order to respond to child maltreatment (abuse or neglect), support for family preservation and well-being, maintenance of family, cultural and linguistic connections for children in care, former children in care (post-majority), and community wellness using a community supported approach. It also promotes a collaborative relationship between communities and agencies. The introduction of a new funding stream within FNCFS for Community Well-being and Jurisdiction Initiatives (CWJI) is designed to enable projects of up to 5 years in duration to expand the availability of prevention and well-being initiatives that are responsive to community needs.

The FNCFS program supports the development and delivery of child maltreatment prevention services (which may be at primary, secondary or tertiary levels) that are evidence-informed, culturally-appropriate, address identified risk factors, and build protective capacities within families and communities. CWJI projects can be funded with the intention to build a greater evidence base for culturally-specific interventions.

- Primary prevention services are aimed at the community as a whole and include the ongoing promotion of public awareness and education on the healthy family and how to prevent or respond to child maltreatment
- Secondary prevention services are triggered when a child is identified as at risk of child maltreatment and intervention could help avoid a crisis
- Tertiary prevention services target specific families when a crisis or risks to a child have been identified and are designed to be least disruptive measures that attempt to mitigate the risks of separating a child from his or her family, rather than separate the child from his or her family. These services also assist families to address risks so that children in care can be reunified with their families as quickly as possible.

Fixed and flexible funding approaches through contribution agreements are available within the FNCFS program, as described in the Directive on Transfer Payments (see Program Terms and Conditions and National Recipient Guide). CWJI projects will also be managed through multi-year

contribution agreements. The CWJI is a funding stream of FNCFS, whereas the FVPP is a distinct but complementary program.

4. PREVENTION PLANNING

As prevention/least disruptive measures expenses are subject to reimbursement under the February 1, 2018, CHRT decision, it is recommended that prevention activities and associated costs be identified in a multi-year plan.

Planning is integral to the success of prevention/least disruptive measure programming. It enables a proactive, outcomes-focused approach in which strengths and needs are identified, prevention/least disruptive measures initiatives are tailored, and resources are dedicated to the priorities.

Accordingly, the FNCFS Program supports prevention/least disruptive measures programming that are culturally appropriate, thoughtful and deliberate; where initiatives are planned that support reducing/preventing imminent risk of child maltreatment; and provide services to those most at risk or those who most need it first.

Through its multi-year planning process, a Recipient is encouraged to research and consult with the community to:

- identify the risk factors to be alleviated and the protective factors to be developed;
- prioritize issues and responses, ensuring that imperative factors are appropriately addressed; and
- determine what intervention (early or targeted) is needed at the secondary and tertiary levels of prevention/least disruptive measures.

A Recipient may not be the only organization in the community that will play a role in helping to mitigate risk factors and enhance protective factors. Health service providers, educational institutions, cultural institutions, and other social service providers may offer assistance that can support the well-being of individuals, families and communities.

Service providers working together are likely to be more effective and to use their respective resources more efficiently. In some cases, building connections, and working to strengthen and revitalize mutually respectful relationships with other service providers will support equitable and culturally safe child and family services for First Nations children, youth and families.

When planning, a First Nations Child and Family Services (FNCFS) agency will decide when to assume a lead role, i.e., when a need is directly related to child welfare. It also will determine when it is more appropriate to take a supporting or referring role, such as when an issue is more relevant to the mandate of another service provider. Both roles serve to improve conditions within the community by assisting community members to obtain the services and resources they need from the appropriate sources (see Directive on Agency Multi-Year Plan). A list of resources is included in Annex B to support and guide FNCFS agencies. Also included in Annex B is a reference to a

prevention framework developed by the First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC) in collaboration with Québec First Nations. Acknowledging the experience of the FNQLHSSC in relation to community engagement and planning, the regional Prevention Services Framework is available to agencies to use as a tool to guide First Nation communities regarding the planning, development and implementation of their actions towards addressing child welfare and well-being of First Nations children and families based on the most urgent needs and priorities identified by First Nations communities and organizations.

5. REPORTING

The availability of, and access to, culturally appropriate prevention/least disruptive measures services are identified as key Program outcomes. Historically, ISC has collected data on maintenance (i.e., children admitted into care), but there has been limited information that would pertain to the new outcomes or to the effectiveness of the reformed FNCFS Program, specifically the prevention/least disruptive measures component.

As of April 2019, a new Data Collection Instrument (DCI) has been made available in addition to the DCI on maintenance, in both online and paper formats, to enable reporting on prevention/least disruptive measures activities as well as on additional child welfare indicators to better demonstrate the overall performance of the FNCFS Program.

The new DCI for prevention/least disruptive measures, in addition to the existing DCI for maintenance, gathers data that can better demonstrate the overall performance of the FNCFS Program.

Program Indicators	Program Outcome
<ul style="list-style-type: none"> • Number and list of prevention/least disruptive measures activities and total participants (children and families). 	<ul style="list-style-type: none"> • First Nations families have greater access to culturally-appropriate prevention/least disruptive measures and early intervention services.
<ul style="list-style-type: none"> • Number of prevention/least disruptive measures activities and programs delivered. 	<ul style="list-style-type: none"> • First Nations service providers have adequate and predictable resources that allow for the development and delivery of culturally based child welfare standards and services including prevention/least disruptive measures services.
<ul style="list-style-type: none"> • Number of reunification and other permanencies. 	<ul style="list-style-type: none"> • First Nations children in care achieve permanence and stability.
<ul style="list-style-type: none"> • Number of children at risk. • Number of recurrence. • Number of children who require. • intervention support for the first time. 	<ul style="list-style-type: none"> • The safety and well-being of First Nations children are improved.

<ul style="list-style-type: none"> • Number of First Nations children in care. 	<ul style="list-style-type: none"> • The over-representation of First Nations children in care is decreased compared to the proportion of non-Indigenous children in care in the overall population of children in Canada.
<ul style="list-style-type: none"> • Percentage of kinship care. • Number of cultural activities. 	<ul style="list-style-type: none"> • Continuity of family, community and cultural connections is preserved for First Nations children in care.

While the Program outcomes and the indicators have been established within the context of the FNCFS Program to ensure compliance with Treasury Board guidelines, each agency is encouraged to develop its own performance indicators that are reflective of the communities it serves. These indicators could be documented in the agency’s multi-year plan and its annual report.

DRAFT

RISK AND PROTECTIVE FACTORS

Child maltreatment is a complex issue. Factors⁶ that will increase a child's risk of being abused or neglected may be related to characteristics of the child's family, the community in which they live, or inequities in public services and social policies. Risk factors associated with an increased likelihood of maltreatment vary for the different types of abuse or neglect. It is important to recognize that many people who have risk factors for maltreatment do not go on to maltreat children.

Risk factors are conditions or attributes of individuals, families, communities, or the larger society that discourage, disrupt or interfere with healthy family functioning.

Protective factors are those conditions or attributes of individuals, families, communities, or the larger society that promote well-being and reduce the risk of negative outcomes. Risk and protective factors can be categorized into three levels: individual, relationship, and community.

Examples of Risk Factors

Individual Risk Factors:

- parents' lack of understanding of children's needs, child development and parenting skills;
- parental history of child abuse and or neglect;
- substance abuse and/or mental health issues including depression in the family;
- parental characteristics such as young age, low education, single parenthood, large number of dependent children, and low income;
- non-biological, transient caregivers in the home (e.g., parent's partner); and
- parental thoughts and emotions that tend to support or justify maltreatment behaviors.

Relationship (Family) Risk Factors:

- social isolation;
- family disorganization, dissolution, and violence, including intimate partner violence; and
- parenting stress, poor parent-child relationships, and negative interactions.

Community Risk Factors:

- concentrated neighborhood disadvantage (e.g., high poverty and residential instability, high unemployment rates, and high density of alcohol outlets), and poor social connections.

⁶ <https://www.cdc.gov/violenceprevention/childabuseandneglect/riskprotectivefactors.html>

Examples of Protective Factors

Individual Protective Factors:

- **social and emotional competence of children:** Family and child interactions that help children develop the ability to communicate clearly, recognize and regulate their emotions, and establish and maintain relationships.
 - self-regulation skills.
 - problem-solving skills.
- **cultural connection:** Connection to one's culture can be a source of individual strength for a child.

Relationship (Family) Protective Factors:

- **knowledge of parenting and child development:** The ability to exercise effective parenting strategies to guide and know what to expect as children develop in multiple domains (physical, cognitive, language, social and emotional).
 - nurturing parenting skills.
 - household rules and child monitoring.
 - parental education.
- **parental resilience:** The ability to recover from difficult life experiences, and often to be strengthened by and even transformed by those experiences.
 - supportive family environment and social networks.
 - stable family relationships.
 - parental employment.
- **social connections to community and culture:** The ability and opportunity to develop positive relationships that lessen stress and isolation and help to build a supportive network.
 - positive community environment with strong cultural connections and teachings (i.e. cultural teachings about parenting).
 - positive school environment.
 - caring adults outside the family who can serve as role models or mentors.

Community Protective Factors:

- **concrete support in times of need:** Access to supports and services that reduces stress and help to make families stronger.
 - communities that support parents and take responsibility for preventing abuse.
 - access to health care and social services.

RECOMMENDED LIST OF RESOURCES

Center for the Study of Social Policy: *The Strengthening Families Approach and Protective Factors Framework* - <https://cssp.org/wp-content/uploads/2018/11/Branching-Out-and-Reaching-Deeper.pdf>

Child Welfare Information Gateway: *Promoting Protective Factors for In-Risk Families and Youth: A guide for practitioners* - <https://www.childwelfare.gov/pubs/factsheets/in-risk/>

Child Welfare Information Gateway - Framework for Prevention of Child Maltreatment
<https://www.childwelfare.gov/pubs/usermanuals/neglect-93/>

First Nations Child and Family Caring Society of Canada – Staying At Home, Examining the implication of Lease Disruptive Measures in First Nations Child and Family Service Agencies - https://fncaringsociety.com/sites/default/files/docs/Staying_at_Home.pdf

Canadian Incidence Study of Reported Child Abuse and Neglect:
<https://cwrp.ca/publications/canadian-incidence-study-reported-child-abuse-and-neglect-2008-cis-2008-major-findings>

World Health Organization – Preventing Child Maltreatment: A guide to taking action and generating evidence -
https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365_eng.pdf;jsessionid=3A804E18D4D93960D4A8E08D94192E1E?sequence=1

World Health Organization – Measuring and monitoring national prevalence of child maltreatment: a practical handbook - http://www.euro.who.int/_data/assets/pdf_file/0003/317505/Measuring-monitoring-national-prevalence-child-maltreatment-practical-handbook.pdf

2015 Prevention Resource Guide: Making Meaningful Connections -
<https://www.childwelfare.gov/pubPDFs/2015guide.pdf>

2018 Prevention Resource Guide: Keeping Children Safe and Families Strong in Supportive Communities - https://www.childwelfare.gov/pubPDFs/guide_2018.pdf

First-Line Prevention Services Framework: First Nations of Quebec and Labrador Health and Social Services Commission [http://www.cssspnql.com/docs/default-source/offres-emploi/cadre_services_preventifs_eng-\(1\).pdf?sfvrsn=0](http://www.cssspnql.com/docs/default-source/offres-emploi/cadre_services_preventifs_eng-(1).pdf?sfvrsn=0)

Ontario Human Rights Commission: Interrupted childhoods: Over-representation of Indigenous and Black children in Ontario child welfare - [http://www.ohrc.on.ca/en/interrupted-childhoods#4.1.Indigenous children](http://www.ohrc.on.ca/en/interrupted-childhoods#4.1.Indigenous%20children)

National Collaborating Centre for Aboriginal Health: Understanding Neglect In First Nations Families
<http://www.nccah-ccnsa.ca/docs/fact%20sheets/child%20and%20youth/NCCAH-fs-UnderstandingNeglect-5EN.pdf>

This is **Exhibit “9”**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

From: Cindy Blackstock
Sent: November 5, 2019 11:52 AM
To: Jon Thompson; Martin Orr; David Taylor
Subject: Fw: CWJI Information

FYI- no money via CWJI for next year either...

Cindy Blackstock, PhD
Executive Director, First Nations Child and Family Caring Society of Canada
Professor, School of Social Work, McGill University
Suite 401, 309 Cooper Street, Ottawa, ON K2P 0G5
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From: Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca>
Sent: November 5, 2019 11:48 AM
To: Cindy Blackstock
Cc: Wilkinson, Joanne (AADNC/AANDC); McLean, John (AADNC/AANDC)
Subject: RE: CWJI Information

Good morning Dr. Blackstock – apologies for the delay.

The \$117.5 is completely allocated based on the Regions' discussions with First Nations. If funding does become available throughout the year, for example if a community does not use all of its allocation, the Region will discuss with its partners how to allocate this funding.

I hope this helps, if not you can reach me at 819 718-0559.

Regards,

Nathalie

From: Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca>
Sent: October 31, 2019 6:29 PM
To: Cindy Blackstock <cblackst@fncaringsociety.com>
Subject: Re: CWJI Information

No problem.

I will look into and get back to you Dr. Blackstock.

Nathalie

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: Cindy Blackstock <cblackst@fncaringsociety.com>

Date: 2019-10-31 5:53 PM (GMT-05:00)

To: "Nepton, Nathalie (AADNC/AANDC)" <nathalie.nepton@canada.ca>

Subject: Re: CWJI Information

Hello Nathalie

My apologies- my email below was not correct. I meant to refer to the next fiscal year. I know several of the projects are multi-year so when the new fiscal year arrives how much money is available?

Thank you

Cindy

Cindy Blackstock, PhD
Executive Director, First Nations Child and Family Caring Society of Canada
Professor, School of Social Work, McGill University
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www.fncaringsociety.com
(613) 230-5885 info@fncaringsociety.com Twitter: @Caringsociety

From: Cindy Blackstock
Sent: October 31, 2019 5:35 PM
To: Nepton, Nathalie (AADNC/AANDC)
Subject: Re: CWJI Information

Thank you Nathalie

It was my understanding that CWJI was allocated 80 million per annum. I appreciate additional funds were provided but can you let me know what limit there is to additional requests? Put simply, is there any money available this fiscal year and if so how much?

Thanks
Cindy
Sent from my iPhone

On Oct 31, 2019, at 5:16 PM, Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca> wrote:

Good evening Dr. Blackstock,

I hope this email finds you in good health and spirit.

Last week you requested information regarding CWJI funding; unfortunately, I did not have it at the time of your request. I have attached to this email, and I sincerely apologize for the delay.

On a separate matter, would it be possible for your assistant to provide me with your availability. As per our last discussion, I am meeting with the Registrar next week and would like to propose some new dates and times to meet with you. As well, I am still working on your information request regarding the processing of registration applications for children.

I trust this information is of assistance. As usual, please do not hesitate to contact me should you require additional information. I look forward to meeting with you next Friday. Until then, have an excellent, restful weekend.

Regards,


Nathalie

<Response to Dr. Blackstock - October 31, 2019.pdf>

<Annex A.pdf>

<FNCFS CWJI_CCCW_FOLLOW_UP (2) Blackstock Jan. 2019.pdf>

This is **Exhibit "10"**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q



OCT 31 2019

Votre référence - Your file

Notre référence - Our file

Dr. Cindy Blackstock
cblackst@fnccaringsociety.com

Re: Community Well-being and Jurisdiction Initiative Status Update Response to Dr. Blackstock, September 27, 2019, and October 23, 2019, Inquiry

Dear Dr. Blackstock:

In response to the questions you inquired about at the Consultation Committee regarding Child Welfare on September 9, 2019, I am pleased to provide you with the following information:

The First Nation Child and Family Services Program provided \$105.8M for 2018-2019 and \$117.5M for 2019-2020 under the Community Well-being and Jurisdiction Initiative (CWJI). This included funding for pilot projects and engagement.

Table A demonstrates the funding provided to each region for fiscal years 2018-2019 and 2019-2020 based on the formula agreed to in consultation with NAC and the CCCW. An escalator of approximately 11% was provided to the 2019-20 funding allocation.

Table A: Community Well-being and Jurisdiction Initiatives

Regions	2018-2019 Allocation	2019-2020 Allocation
ATLANTIC REGION	\$3,723,243	\$4,235,188
QUEBEC REGION	\$6,523,734	\$7,420,747
ONTARIO REGION	\$17,616,255	\$20,038,490
MANITOBA REGION	\$15,317,602	\$17,423,772
SASKATCHEWAN REGION	\$12,975,619	\$14,759,767
ALBERTA REGION	\$10,409,607	\$11,840,927
YUKON REGION	\$1,116,459	\$1,269,972
BRITISH COLUMBIA REGION	\$12,317,481	\$14,011,137
PILOT PROJECTS AND ENGAGEMENT	\$25,799,150	\$26,515,160
Total	\$105,799,150	\$117,515,160

Prior to allocating the funding for the CWJI, the ISC Regional Offices worked with First Nations at regional and technical tables and through these discussions it was determined how the money should be distributed. Please see Annex A: CWJI Regional Status for more information on how each region determined their funding allocation approach and continues to implement the CWJI.


In 2018-19, ISC Regional Offices communicated to First Nations that the projects funded through the regional allocations process could be multi-year and that the regional allocations would be increasing in future years according to the escalator. As a result, many communities are undertaking multi-year projects that support a vast variety of previous activities including: to provide culturally appropriate and wraparound services; establish emergency placement homes; and repatriate children back to their communities. In addition, some communities are undertaking projects exploring governance structures and child welfare jurisdiction options.

The pilot projects that were funded under the CWJI funding stream are also primarily multi-year. Please see Table B for a breakdown of funding for the pilot projects and engagement.

For your reference, please find attached related information that we provided to the Consultation Committee in January 2019.

As to your question regarding unallocated CWJI funding that First Nations communities could access to develop their own laws, although this could potentially be subject to change, the 2019-20 CWJI funding is currently completely earmarked. As to CWJI funding that may be available in future years, over the three remaining years of this funding stream (2020-21 to 2022-23), funding will only become available to further support communities in the development of their own laws when projects sunset or communities choose to use this funding for this purpose.

Yours sincerely,



Nathalie Nepton
Director General
Children and Families Branch

Table B: Community Well-being Pilot Projects

Pilot Projects

Community Well-Being Pilot Projects

		Allocated	Allocated	Multi-Year (Y/N)
		2018-19	2019-20	
Newfoundland and Labrador	Sheshatshiu	\$2,100,000	--	N
	Mushuau	\$418,865	--	N
	IRTS	\$1,116,620	\$1,175,125	Y
Manitoba	Ma Mawa Wi Chi Itata Centre	\$175,000	\$175,000	Y
	Abinooyitag (from Assembly of Manitoba Chiefs – First Nations Family Advocate Office proposal)	\$2,122,993	\$2,141,583	Y
National Headquarters	Métis National Council	\$1,000,000	--	N
Saskatchewan	Yorkton Tribal Council Child and Family Services Inc.	\$364,250	--	N
Alberta	Treaty 8	\$3,970,000	\$3,970,000	Y
British Columbia	Esk'etemec	\$150,000	\$150,000	Y
	Stikine	\$150,000	\$150,000	Y
	Okanagan Nation Alliance	\$800,000	\$800,000	Y
	Southern St'atimx	\$378,782	\$500,000	Y
	Huu-ay-aht First Nations Social Services Project	\$839,800	\$839,800	Y
<i>Sub-total - Community Well-Being</i>		<i>\$13,586,310</i>	<i>\$9,901,508</i>	

Jurisdiction Pilot Projects

		Allocated	Allocated	Multi-Year (Y/N)
		2018-19	2019-20	
Nova Scotia	Mi'kmaw Child Welfare Initiative	\$831,639	\$1,254,937	Y
Ontario	Anishinabek Nation Child Well-Being Law	\$2,665,478	\$2,818,990	Y
	Grand Council Treaty #3	\$0	\$1,180,090	Y
Manitoba	Sioux Valley	\$1,000,000	\$2,500,000	Y
	Assembly of Manitoba Chiefs	\$1,000,000	\$1,000,000	Y
	Manitoba Keewatinowi Okimakanak	\$300,000	\$500,000	Y
	Southern Chiefs Organization	\$359,150	\$500,000	Y
British Columbia	Wet'suwet'en Working Group	\$150,000	\$150,000	Y
	Secwepemc (Shuswap) Nation Tribal Council	\$200,000	\$200,000	Y
<i>Sub-total - Jurisdiction</i>		<i>\$6,506,267</i>	<i>\$10,104,017</i>	

Totals for All Types of Pilot Projects

Allocated	Allocated
2018-19	2019-20
\$20,092,577	\$20,005,525

Totals for Engagement

Allocated	Allocated
2018-19	2019-20
\$5,706,573	\$6,509,635

Community Well-Being and Jurisdiction Initiative: Regional Status Updates

British Columbia

The BC Regional Office created an options paper for distribution of the CWJI funding to the 82 First Nations unaffiliated with a delegated agency. It was reviewed at the First Nation Leadership Council (FNLC) on August 1, 2018. The FNLC suggested that the Program should provide a small amount of funding to the 82 First Nation communities to begin prevention activities and directly engage them on how they would like the rest of the funding distributed.

The Regional Office held dialogue sessions for the 82 nations and subsequently provided \$40,000 to each First Nation, with an additional allocation available if requested, based on a formula. First Nations completed a basic proposal form with a deadline of December 15, 2018, to access the funds.

The amount of CWJI funding committed as of March 27, 2019, was \$11,249,484 which included individual allocations for each community and various aggregates. Funding was also provided to various jurisdiction tables such as Cowichan Tribes (\$150,000), Sto:lo Tribal Council (\$187,611), and Shuswap Nation Tribal Council (\$200,000).

For 2019-20, communities were provided the same allocations (base plus methodology) that they received in 2018-19. Communities that received partial allocations in 2018-19 had the opportunity to submit a revised prevention work plan to receive their full allocations for 2019-20. Regional staff reached out to all recipients to confirm 2019-20 prevention activities. The BC CWJI allocation has been fully expended. Any funding not accessed by the 82 communities has been used to support Jurisdiction tables in the province.

In fiscal year 2020-21, the BC Regional Office intends to allocate the same funding to each community, and will continue to support small funding requests (< \$150k) for our existing Jurisdiction tables. CFS regional staff will continue to reach out to the 82 communities to monitor progress on activities, identify surplus dollars and to provide additional support as required.

Alberta

The Alberta Regional Office developed a methodology for funding which was shared with all 46 First Nations in Alberta through letters sent. First Nations were invited to provide feedback and identify concerns with the proposed allocation and also to indicate whether they would like to have a region-wide discussion on alternative allocation methodologies in future years. Feedback was requested by October 15, 2018. As of October 16, 2018, no feedback was received. Therefore, the 2018/19 funds (50% immediately and 50% following receipt of proposals) were placed in agreements and

those First Nation with received proposals have received the 2019/20 funding. The Alberta Regional staff are contacting and working with Nations who have not submitted a proposal to provide support.

The allocation methodology recognizes that some communities are not served by a FNCFS agency and therefore do not have access to FNCFS prevention funding and also takes into consideration the need to ensure that communities have enough funding to undertake meaningful projects.

An amount of \$2,700,000 was set aside for First Nations without a FNCFS agency. This amount is set to grow each fiscal year, as a proportion of the overall funding allocation received in Alberta Region. Each First Nation without an agency was allocated a base amount of \$150,000. The remaining funding was allocated to each First Nation using a three year average of the on-reserve child population. There are nine First Nations in Alberta without a FNCFS agency.

Funding for First Nations served by a FNCFS agency followed the same allocation approach, with each First Nation receiving a base allocation of \$150,000 and the remaining funding being allocated using a three year average of each First Nation's on-reserve child population. There are thirty seven First Nations in Alberta served by a FNCFS agency (total approximately \$10.3M).

The Alberta Regional Office has been meeting and working with First Nations on their CWJI Application projects and have received proposals from approximately 55% of First Nations as of October 2019. E-mail and telephone reminders are sent regularly to First Nations who have not yet submitted Applications. The timelines for the Applications received range from one to five years. However, as CWJI funding was introduced late in the 2018-2019 fiscal year, the timelines for Applications received, even if only for one year, includes both the 2018-2019 and 2019-2020 fiscal years.

Saskatchewan

Discussions on the CWJI were held at the Regional Tripartite Table (RTT) meetings throughout the 2018 spring and summer. In 2018-19, the Regional Office approved CWJI applications from the three First Nations that are unaffiliated with CFS agencies.

In 2019-20, a new CWJI application was approved for Yellow Quill First Nation. CWJI funding is also being allocated to the Saskatoon Tribal Council (STC) Health and Family Services to support their demonstration project. Further discussion is occurring as to the status of the STC Health and Family Services CWJI funding as, effective April 1, 2019, STC Health and Family Services provincial delegation was reinstated. Please note that the STC CWJI allocation was reduced due to Yellow Quill First Nation submitting their own CWJI application.

CWJI Allocations for 2019-2020 are as follows.

- Saskatoon Tribal Council - \$8,717,025

- Four Unaffiliated First Nations
 - o Kicich Awasis (Big Island Lake First Nation) - \$967,053
 - o Okanese First Nation - \$967,053
 - o Carry the Kettle First Nation - \$967,053
 - o Yellow Quill First Nation - \$1,357,375

Manitoba

In 2018-19, CWJI was discussed at several FNCFS Regional Advisory Committee (RAC) meetings and at a meeting with representatives from the three First Nations political organizations in Manitoba – Assembly of Manitoba Chiefs (AMC), Manitoba Keewatinowi Okimakanak (MKO) and Southern Chiefs' Organization (SCO). At the meeting with the three First Nations political organizations, ISC proposed an interim approach for 2018-19 to distribute funding to all First Nations communities in Manitoba while they work together to develop a more comprehensive proposal-based process to launch in 2019-20.

The Regional Office allocated the 2018-19 funding (\$12.7 M) to the 62 First Nations, not including the Sioux Valley Dakota Nation as they were pre-approved for funding.

Subsequent meetings were held on December 19, 2018, and January 11, 2019, and at a 3-day working session from January 29-31, 2019, with representatives from AMC/SCO/MKO to continue the discussion to develop a funding distribution process for CWJI in 2019-20.

In working with representatives from the AMC, SCO and MKO, funding allocation methodology options were developed to support a proposal-driven process for distributing the regional allocation of \$15.3M to First Nation communities.

Based on communications between the Regional Office, AMC, SCO and MKO regarding these funding allocation options, it was confirmed that the formula that includes the following factors would be used to identify notional allocations for the First Nations communities: Community Well-Being Index, Registered Population (Total and 0-21 years), Remoteness, Number of Children in Care, and a \$25K base amount.

A call for proposal letter was sent out to all First Nation communities in early July 2019 along with the 2019-20 CWJI Guidelines to access their respective notional funding allocation. Multi-year proposals (2019-20 to 2022-23) were recommended and communities were encouraged to work with their respective FNCFS agencies.

An initial deadline of August 30, 2019, was identified in the call letters, however, a subsequent communication was sent in early September to First Nations who had not yet submitted a proposal notifying them of an extension to September 30, 2019.

The Regional Office continues to work diligently with First Nation communities on their CWJI proposals. As of October 23, 2019, the Regional Office has received proposals from 53 of 63 First Nation communities.

In addition to some multi-year pre-commitments under CWJI, proposals from AMC, SCO and MKO have also been approved for funding under the CWJI. The Regional Office continues to work with the 3 IROs to coordinate activities to prevent duplication.

Ontario

On November 21, 2018, resolution 46/18 was passed at the Special Chiefs Assembly to disburse the remaining 2019-2020 Community-Based Prevention (Immediate Relief) and Community Well-Being and Jurisdiction Initiatives funding to Ontario First Nations using the Ontario First Nations Limited Partnership (OFNLP) formula, with the adjustment that the five large First Nations and 40 remote First Nations in Ontario receive an additional 15 percent, based on their total OFNLP allocation.

Ontario Region's approach has been to support First Nations' leadership in determining the most effective way to allocate available federal First Nations Child and Family Services funding. In a spirit of partnership, the Region has been working closely with the multi-party Ontario Technical Table on Child and Family Well-Being to ensure that the Community-Based Prevention funding from Budget 2016 and Community Well-Being and Jurisdiction Initiatives funding is allocated annually according to a methodology acceptable to Ontario First Nations' leadership. Discussions continue at the Technical Table on an allocation methodology for funding in 2020-2021.

Quebec

The Quebec Regional Office worked with the Commission de la santé et des services sociaux des Premières Nations du Québec et du Labrador (CSSSPNQL – The Commission). The Commission developed a funding framework for CWJI taking into account remoteness, total community population, the rate of reliance on income security and the total population aged 0-17 years old in the communities. Regional allocations (\$6.5M) were provided to the 27 eligible communities in the region. The 2018-19 allotments were disbursed in December 2018. Three communities specifically asked that their CWJI funding allotments be transferred to the Tribal Council that already delivers their First Nations child and family services. These Tribal Councils, already having the necessary human resources and infrastructure in place to ensure the ongoing delivery of child and family services, will consequently use this funding to enhance the services offered to these communities. The 2018-19 allocations were disbursed in December 2018 and the 2019-20 allocations have also been disbursed.

Atlantic

The Regional Office engaged with First Nations in Nova Scotia, Newfoundland and Labrador, Prince Edward Island and New Brunswick in August through September, 2018.

National Pilot Funding:

The National Pilot funding is supporting the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) in Nova Scotia for a 5-year legislative initiative project and the Innu Roundtable Secretariat project in Newfoundland and Labrador.

Regional Allocation Funding:

Prince Edward Island:

The funding allocation for the Prince Edward Island project in 2018-19 was provided to MCPEI on behalf of the two communities for an indicators type project. PEI is still seeking additional funding to pilot the provision of prevention services to children living off reserve. In 2019-20, MCPEI has undertaken a three-year project in the amount of \$270,600 to develop a PEI First Nation Legislation Initiative on Child Protection and Custom Adoption.

New Brunswick:

In 2018, the Department presented the new funding to the CFS Directors of New Brunswick (NB) seeking their views on the process and allocation methodology. The Atlantic Region's Directors meeting in NB did not determine a decision-making process for the NB CWJI allocation. Therefore, a request for proposals was issued, and a total of 8 applications were received. Only one application was prepared to begin in 2018-19 and will continue until 2021, the remaining applications were approved to begin 2019-20 with varying durations to each project for a total allocation to NB in the amount of \$1,03 million.

Newfoundland and Labrador:

To date, the funding allocation for Newfoundland and Labrador has supported a social workers project for the Sheshashiu First Nations in the amount of \$478K and travel and coordination services for the Innu in the Provincial Innu Inquiry over the next two years in the amount of \$379,500.


Yukon

The Yukon Regional Office presented on the CWJI at a Health and Social Directors meeting comprised of Health and Social Directors from each Yukon First Nation in September 2018. At a subsequent leadership event, the Chiefs of Yukon First Nations

agreed that the Council of Yukon First Nations (CYFN) would put in a proposal for the full amount and provide services to Yukon communities.

CYFN is the sole recipient of CWJI funding in 2019-20 and 2018-19 (2018-19: \$1,116,459 and 2019-20: \$1,269,971). They submitted a successful two-year proposal entitled "Repatriation and Re-unification of children and youth in care". Core activities are the review of all existing Continuing Care Orders in Yukon with the Yukon Government and respective First Nations; providing legal representation, advice and advocacy to affected families; offering cultural connections liaisons to all First Nation children and youth involved in the system; and comprehensive Family Support Working training. A certificate program has been developed and a cohort of up to 24 individuals is being established for the program launch in January 2020.

This is **Exhibit “11”**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

From: Legault, Lisa (AADNC/AANDC) <lisa.legault@canada.ca>
Sent: March 9, 2020 2:05 PM
To: Cindy Blackstock
Cc: Nepton, Nathalie (AADNC/AANDC); Beaudoin, Maggie (AADNC/AANDC)
Subject: RE: Prevention guide and Yukon

Hi Dr. Blackstock,

Sorry for the delay. In response to your question, the four funding streams used in the Yukon Region for First Nations Child and Family Services are:

1. Maintenance

Maintenance is paid to the Government of Yukon on actuals based upon quarterly invoices, sourced in the Interim Letter of Understanding between DIAND and the Government of Yukon from 1999.

2. Operations

ISC provides funding to the Government of Yukon towards the operations of their child welfare services on an annual basis. The amount has been determined by Canada and the Government of Yukon and is linked to the provision of protective services. The Council of Yukon First Nations has received annual funding under the operations stream towards their work on the Trilateral Table since 2017/2018.

3. Prevention

Prevention includes Budget 2018, ramp-up and remoteness funding. Regional allocations for prevention funding were determined by HQ in consultation with the parties during the May 2018 CCCW meeting. The Trilateral Table on the Well-being of Yukon First Nations Children and Families then determined funding approaches and allocations from Yukon from 2018/2019 and going forward.

4. Community Well-being and Jurisdiction Initiative

Community Well-being and Jurisdiction Initiative funding formula was developed nationally in collaboration with the CCCW. The Trilateral Table and First Nation Health and Social Development Commission then determined funding approaches and allocations in Yukon.

I hope this responds to your question? I am hoping to send you the information on the Provinces this week as well. It has taken a little longer since I have been working with my Regional colleagues to finalize.

Have a great rest of your day.
Lisa

From: Legault, Lisa (AADNC/AANDC) <lisa.legault@canada.ca>
Sent: Monday, March 2, 2020 2:19 PM
To: Cindy Blackstock <cblackst@fncaringsociety.com>
Subject: RE: Prevention guide and Yukon

Thanks Dr Blackstock. Both should be completed this week.

Have a good day.

Lisa

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: Cindy Blackstock <cblackst@fncaringsociety.com>
Date: 2020-03-02 2:16 PM (GMT-05:00)
To: "Legault, Lisa (AADNC/AANDC)" <lisa.legault@canada.ca>
Subject: Re: Prevention guide and Yukon

Thank you Lisa,

If you can also get info on the funding approaches being used with the Province of BC, Alberta and NFLD/Labrador as well as in Centre de jeunesse in Quebec where applicable that would be great.

Cindy Blackstock, PhD
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Professor, School of Social Work, McGill University
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(613) 230-5885 info@fncaringsociety.com Twitter: @Caringsociety

From: Legault, Lisa (AADNC/AANDC) <lisa.legault@canada.ca>
Sent: March 2, 2020 12:03 PM
To: Cindy Blackstock
Subject: RE: Prevention guide and Yukon

Hi Dr. Blackstock, thanks for the reminder. I should be able to get you a response today or tomorrow latest.

Thanks
Lisa

From: Cindy Blackstock <cblackst@fncaringsociety.com>
Sent: Monday, March 2, 2020 11:24 AM

To: Legault, Lisa (AADNC/AANDC) <lisa.legault@canada.ca>
Subject: Re: Prevention guide and Yukon

Good morning Lisa

Have you been able to identify the funding approach used in the Yukon as of yet?

Thanks

Cindy

Cindy Blackstock, PhD
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From: Legault, Lisa (AADNC/AANDC) <lisa.legault@canada.ca>
Sent: February 24, 2020 4:36 PM
To: Cindy Blackstock
Cc: Nepton, Nathalie (AADNC/AANDC); Beaudoin, Maggie (AADNC/AANDC)
Subject: RE: Prevention guide and Yukon

Hi, Let me confirm and I will get back to you.

Lisa

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: Cindy Blackstock <cblackst@fncaringsociety.com>
Date: 2020-02-24 4:34 PM (GMT-05:00)
To: "Legault, Lisa (AADNC/AANDC)" <lisa.legault@canada.ca>
Cc: "Nepton, Nathalie (AADNC/AANDC)" <nathalie.nepton@canada.ca>, "Beaudoin, Maggie (AADNC/AANDC)" <maggie.beaudoin@canada.ca>
Subject: Re: Prevention guide and Yukon

Thank you Lisa

What funding approach was used to determine these funding amounts?

Have a good day
Cindy

Sent from my iPhone

On Feb 24, 2020, at 4:28 PM, Legault, Lisa (AADNC/AANDC) <lisa.legault@canada.ca> wrote:

Hi Dr. Blackstock,

Sorry for the delay in responding to your initial request for the information on YK. Below is Yukon's CFS actual spending from 2016-17 to 2018-19. The allocation amounts are not available for these years, as they were kept in Headquarters and transferred at a later date.

YUKON	2016-17 Actual Spending (G&Cs)	2017-18 Actual Spending (G&Cs)	2018-19 Actual Spending (G&Cs)
CFS	11,249,963	14,200,616	19,232,537

We are still working on the review and incorporation of the comments pertaining to the recipient , prevention and capital guides.

Thanks Lisa

From: Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca>

Sent: Monday, January 27, 2020 7:01 AM

To: Cindy Blackstock <cblackst@fncaringsociety.com>

Subject: RE: Prevention guide and Yukon

Good morning Dr. Blackstock.

Will do.

Yes, we are still working on the review and incorporation of the comments pertaining to the recipient , prevention and capital guides.

Hope you are well,

Nathalie

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: Cindy Blackstock <cblackst@fncaringsociety.com>

Date: 2020-01-27 6:06 AM (GMT-05:00)

To: "Nepton, Nathalie (AADNC/AANDC)" <nathalie.nepton@canada.ca>

Subject: Prevention guide and Yukon

Hello Natalie

Can you send me the CFS amounts allocated to the Yukon for 2016/17, 17/18, 18/19?

Also, I sent the comments on the prevention guide. Have you had a chance to review them?

Thanks
Cindy

Sent from my iPhone

This is **Exhibit "12"**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

From: Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca>
Sent: Friday, March 20, 2020 12:43 PM
To: Cindy Blackstock; Brian Smith; Maggie Wente; Lorna Martin; Molly Churchill; Alvin Fiddler; Bobby Narcisse; David Taylor; Martin Orr; Jon Thompson; Robert Frater; 'swuttke@afn.ca'; GC Joel Abram; Gideon, Valerie (SAC/ISC); Sinead Dearman; 'Salza.Jiwa@chrc-ccdp.gc.ca'; Sarah Clarke; Ruby Miller
Cc: 'KRitchie@oktlaw.com'; Marlatt, Constance; Conn, Keith (SAC/ISC); McLean, John (AADNC/AANDC); Guay, Louis-Alexandre (AADNC/AANDC); SEFPN / FNCFS (AADNC/AANDC); Ayoub, Rachelle (AADNC/AANDC); Legault, Lisa (AADNC/AANDC); Riendeau, Leah (AADNC/AANDC); Gasca2, Daniela (AADNC/AANDC)
Subject: RE: CHRT Tracking and Status of Claims

Good afternoon, and apologies for the delay.

We have not received claims from agencies operating out of the Yukon. Should we receive a claim from the Yukon, it will be reviewed and processed accordingly.

Regards,

Nathalie

From: Cindy Blackstock <cblackst@fncaringsociety.com>
Sent: March 13, 2020 5:13 PM
To: Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca>; Brian Smith <brian.smith@chrc-ccdp.gc.ca>; Maggie Wente <mwente@oktlaw.com>; Lorna Martin <lornam@afn.ca>; Molly Churchill <mollyc@falconers.ca>; Alvin Fiddler <afiddler@nan.on.ca>; Bobby Narcisse <bnarcisse@nan.on.ca>; David Taylor <dtaylor@conway.pro>; Martin Orr <MOrr@afn.ca>; Jon Thompson <JThompson@afn.ca>; Robert Frater <robert.frater@justice.gc.ca>; 'swuttke@afn.ca' <swuttke@afn.ca>; GC Joel Abram <jabram@aiai.on.ca>; Gideon, Valerie (SAC/ISC) <valerie.gideon@canada.ca>; Sinead Dearman <sdearman@oktlaw.com>; 'Salza.Jiwa@chrc-ccdp.gc.ca' <Salza.Jiwa@chrc-ccdp.gc.ca>; Sarah Clarke <sarah@childandfamilylaw.ca>; Ruby Miller <ruby.miller@coo.org>
Cc: 'KRitchie@oktlaw.com' <KRitchie@oktlaw.com>; Marlatt, Constance <Constance.Marlatt@justice.gc.ca>; Conn, Keith (SAC/ISC) <keith.conn@canada.ca>; McLean, John (AADNC/AANDC) <john.mclean@canada.ca>; Guay, Louis-Alexandre (AADNC/AANDC) <louis-alexandre.guay@canada.ca>; SEFPN / FNCFS (AADNC/AANDC) <aadnc.sefpn-fncfs.aandc@canada.ca>; Ayoub, Rachelle (AADNC/AANDC) <rachelle.ayoub@canada.ca>; Legault, Lisa (AADNC/AANDC) <lisa.legault@canada.ca>; Riendeau, Leah (AADNC/AANDC) <leah.riendeau@canada.ca>; Gasca2, Daniela (AADNC/AANDC) <daniela.gasca2@canada.ca>
Subject: Re: CHRT Tracking and Status of Claims

Hello Nathalie

Can you please provide me with information on the claims in the Yukon?

Thank you
Cindy

Cindy Blackstock, PhD
Executive Director, First Nations Child and Family Caring Society of Canada
Professor, School of Social Work, McGill University
Suite 401, 309 Cooper Street, Ottawa, ON K2P 0G5
www.fncaringsociety.com
(613) 230-5885 info@fncaringsociety.com Twitter: @Caringsociety

From: Nepton, Nathalie (AADNC/AANDC) <nathalie.nepton@canada.ca>

Sent: March 13, 2020 5:04 PM

To: Cindy Blackstock; Brian Smith; Maggie Wente; Lorna Martin; Molly Churchill; Alvin Fiddler; Bobby Narcisse; David Taylor; Martin Orr; Jon Thompson; Robert Frater; 'swuttke@afn.ca'; GC Joel Abram; Gideon, Valerie (SAC/ISC); Sinead Dearman; 'Salza.Jiwa@chrc-ccdp.gc.ca'; Sarah Clarke; Ruby Miller

Cc: 'KRitchie@oktlaw.com'; Marlatt, Constance; Conn, Keith (SAC/ISC); McLean, John (AADNC/AANDC); Guay, Louis-Alexandre (AADNC/AANDC); SEFPN / FNCFS (AADNC/AANDC); Ayoub, Rachelle (AADNC/AANDC); Legault, Lisa (AADNC/AANDC); Riendeau, Leah (AADNC/AANDC); Gasca2, Daniela (AADNC/AANDC)

Subject: CHRT Tracking and Status of Claims

Good afternoon everyone,

Please find attached:

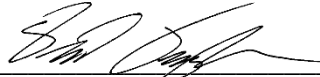
1. **The report on agency claims submitted to Canada for reimbursement (to January 31, 2020); and**
2. **The report on agency claims submitted to Canada for reimbursement (to February 7, 2020); and**
3. **The CHRT implementation tracking document (to February 7, 2020).**

Please note that these documents are provided for your information (no comments are required).

If you wish to receive a hard copy of these documents, please reply to John McLean (copied on this email), and he will have them sent to you. Please also let us know if you do not wish to receive this weekly email.

Thank you

This is **Exhibit “13”**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

From: "SEFPN / FNCFS (AADNC/AANDC)" <aadnc.sefpn-fncfs.aandc@canada.ca>
Date: February 28, 2020 at 1:31:03 PM EST
To: 'Jon O'Toole' <jotoole@nog.ca>
Cc: "Thai, Catherine (AADNC/AANDC)" <catherine.thai@canada.ca>, Kerry Francis <kfrancis@nog.ca>, Kirk Langdon <klangdon@nog.ca>, Executive Assistant <executive.assistant@nog.ca>, "Yau, Benita (AADNC/AANDC)" <benita.yau@canada.ca>, "SEFPN / FNCFS (AADNC/AANDC)" <aadnc.sefpn-fncfs.aandc@canada.ca>
Subject: First Nations Child and Family Services CHRT Claim payment on actuals: Appeal Decision on Nogdawindamin Family and Community Service Denial Case Number CFS-ONT-052

Dear Mr. O'Toole:

This message is in response to your request submitted on January 29, 2020, by Nogdawindamin Family and Community Services, on behalf of the Atikameksheng Anishawbek Nation, to appeal the denial decision related to the claim case number CFS-ONT-052.

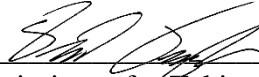
The Department's First Nation Child and Family Services (FNCFS) Interim Board of Appeal met on February 21, 2020, to review the appeal request for the amount of \$95,133.01 for the purchase of a new mobile home. Based on the information provided by the Nogdawindamin Family and Community Services, the Appeal Board is upholding the initial decision of Indigenous Services Canada. The purchase of a

mobile home is not an eligible expenditure within the Terms and Conditions of the FNCFC Program.

If you require additional information on the process, we encourage you to contact your regional representative, Ms. Catherine Thai, at 416-973-5227 or by email at: catherine.thai@canada.ca.

Thank you.

This is **Exhibit "14"**
to the affidavit of
Cindy Blackstock
Affirmed before me
by video teleconference this
8th day of April, 2020



A Commissioner for Taking Affidavits

David P. Taylor
LSO 63508Q

From: SEFPN / FNCFS (AADNC/AANDC) <aadnc.sefpn-fncfs.aandc@canada.ca>
Sent: Friday, February 21, 2020 6:04 PM
To: 'Aaren Sock'; 'Phyllis Hudson'
Cc: Randell, Annie (AADNC/AANDC); SEFPN / FNCFS (AADNC/AANDC)
Subject: First Nations Child and Family Services CHRT Claim payment on actuals: Appeal Decision on Elsipogtog Child and Family Services Denial Case Number CFS-ATL-002

Dear Chief Sock and Ms. Hudson:

This message is in response to the request submitted on November 14, 2019, by the Elsipogtog Child and Family Services to appeal the denial decision related to the claim case number CFS-ATL-002.

The Department's First Nation Child and Family Services (FNCFS) Interim Board of Appeal has reconvened on February 18, 2020, to reconsider the appeal request for the amount of \$1,974,081.00 for repairs of private homes. Based on the information provided by Elsipogtog Child and Family Services, the Appeal Board is upholding the initial decision of Indigenous Services Canada and has determined that these repairs are not eligible expenditures within the Terms and Conditions of the FNCFC Program. Further, there is a lack of information to support the request for funding under prevention.

If you require additional information on the process, please contact Annie Randell, A/Director in the Atlantic Region. Ms. Randell can be reached at 902-661-6364 or by email at: annie.randell@canada.ca.

Thank you.