

September 25, 2025

Judy Dubois
Registry Operations
Canadian Human Rights Tribunal
240 Sparks Street, 6th Floor West
Ottawa, ON K1A 1J4

Dear Ms. Dubois:

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

Pursuant to the direction of the Panel, dated September 17, 2025, the First Nations Child and Family Caring Society (the “**Caring Society**”) provides its position on the motion seeking approval, without amendment, of the Ontario Final Settlement Agreement on the long-term reform of the First Nations Child and Family Services Program (“**Ontario FSA**”).

The Caring Society welcomed the Tribunal’s ruling in 2025 CHRT 80 and has been busy discharging its responsibilities therein. We note, with concern, Canada’s application for judicial review of 2025 CHRT 80, which has the potential to impact the application of the Ontario FSA on a national basis as well as the parameters for long-term reform. The Notice of Application filed by Canada is general and vague in nature, making it difficult to predict the specific issues that Canada is seeking to challenge. Nonetheless, the judicial review reintroduces questions about the application of all or part of the Ontario FSA beyond Ontario.

In response to the Ontario FSA motion, the Caring Society will highlight the positive aspects of the agreement that have the potential to address Canada’s discrimination in First Nations child and family services in Ontario for the benefit of First Nations children. However, the motion is for the Ontario FSA to be adopted without amendment. The Caring Society is unable to support such an approach as, in its view, some critical elements of the Ontario FSA do not satisfy the Canadian Human Rights Tribunal’s orders to permanently end Canada’s discriminatory conduct. The Caring Society also supports the relief sought by Taykwa Tagamou Nation and the Chippewas of Georgina Island First Nation.

In taking these positions, the Caring Society strongly encourages Canada to provide any promised funding at levels comparable to those in the Ontario FSA for 2026/2027 and beyond while matters before the Tribunal are resolved.

Enclosed please find, the will say statements of Dr. Barbara Fallon, Dr. Dean Neu and Jasmine Kaur.

Yours Truly,



Sarah Clarke

- cc. *David Taylor, Kiana Saint Macary and Robin McLeod,
co-counsel for the First Nation Child and Family Caring Society*
- Dayna Anderson, Paul Vickery, Sarah Bird, Kevin Staska and Alicia Dueck-Read,
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- Anshumala Juyal and Khizer Pervez,
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- Maggie Wente, Benjamin Brookwell, Sinéad Dearman, Jessie Stirling-Voss, Katelyn
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Counsel for the Interested Party, Chiefs of Ontario*
- Julian Falconer, Meaghan Daniels, and Jordan Tully
Counsel for the Interested Party, Nishnawbe Aski Nation*
- Justin Safayeni, Stephen Aylward and Taskeen Nawab,
Counsel for the Interested Party, Amnesty International*
- Justin Safayeni and Spencer Bass,
Counsel for the Interested parties, Chippewas of Georgina Island First Nation and
Taykwa Tagamou Nation*