

Caring Society Report to the Canadian Human Rights Tribunal

First Nations Child and Family Caring Society et al. v Attorney General of Canada T1340/7008 Implementation of 2025 CHRT 80
October 16, 2025

Engagement Workplan Overview

The Caring Society, in collaboration with the Assembly of First Nations (AFN) and the National Children's Chiefs Commission (NCCC), is actively working to implement the workplan outlined in 2025 CHRT 80. This partnership leverages the unique expertise and platforms of each organization to advance the objectives of long-term reform pursuant to all of the Tribunal's orders.

Development and Finalization of Engagement Materials

The engagement materials have been carefully crafted with input from First Nations Leadership, AFN Resolutions, and recommendations from experts in First Nations child and family services. Themes for engagement questions reflect the best available evidence and prioritize the perspectives of First Nations communities. The materials also include comprehensive background information on the case of First Nations Child and Family Caring Society et al. v. Attorney General of Canada (T1340/7008). An example of a recent list of resources to inform engagement is attached to this report.

Official Languages and Accessibility

To ensure inclusivity and accessibility, all engagement materials and resources are provided in both official languages. Multiple formats are offered—including online forms, fillable PDFs, and fillable Word documents—to accommodate varying levels of internet access among First Nations communities.

Distribution of Engagement Materials

The National Children's Chiefs Commission (leadership and technicians) and the First Nations Child and Family Caring Society have distributed engagement materials to relevant stakeholders, ensuring wide reach across regions.

Support Tools for Engagement

The Caring Society launched national engagements through a National Children's Chiefs Commission webinar, which was made available in both official languages. Additional webinars are scheduled throughout the engagement period to further support participation. Supplementary resources, including information sheets and podcasts summarizing research on child maltreatment prevention, have also been produced and distributed.

Engagement Timeline

- October 1, 2025: Finalization of engagement materials in French and English.
- October 1, 2025 – November 15, 2025: Engagements with First Nations leadership, regional experts, and interested parties.
- November 15, 2025: Roll-up of national engagement results begins, with additional information sessions detailing how the outcomes will inform the plan and remedies.
- December 20, 2025: AFN and the Caring Society to file the plan with remedies to the CHRT.

Regional Forums

Due to funding constraints, regions are self-organizing engagement activities by utilizing existing meetings and online platforms. The Caring Society has participated in, or has been invited to participate in, regional forums across Yukon, British Columbia, Manitoba, New Brunswick, and Saskatchewan.

National Conference Presentations

- November 3–5, 2025: Presentations and discussions at “Our Children; Our Way” in Squamish Nation, Musqueam, and Tsleil-Waututh Nation territories (Vancouver, BC).
- December 2025: Potential presentation at the AFN Special Chiefs Assembly, pending AFN approval for a one-hour plenary session and information table.

Youth Engagements

Regions are encouraged to include youth, particularly those with lived experience in and from care, in regional consultations. The Caring Society has scheduled a meeting with a youth organization later this month to further support youth engagement.

Engagement with Those Who Sought Interested Party Status

The Caring Society is also hosting engagement sessions with the First Nations and First Nations organizations that sought interested party status in the Tribunal proceeding. Those sessions are scheduled for the end of October 2025.

Required Disclosures from Canada

To enable meaningful consultations, the following disclosures are required from Canada (excluding Ontario): copies of all federal agreements and arrangements with provincial/territorial funding agreements for First Nations child and family services (from 2016 to the present) and copies of all current policies, bulletins, and directives related to Indigenous Services Canada's (ISC) provision of First Nations child and family services. The Caring Society requested this disclosure from Canada on September 22, 2025, but to date has not received the requested disclosure or an update from Canada regarding whether it will produce same. Counsel for Canada advised on October 16, 2025 that a response would be forthcoming within the week.

Canada's Implementation of 2025 CHRT 80

Canada's report from September lacked sufficient detail on the steps being taken to assemble an evidence-informed plan and remedies. On September 19, 2025, the Minister of ISC publicly stated that meetings with First Nations Rights Holders are underway, suggesting these discussions support Canada's decision to commence the judicial review application in relation to 2025 CHRT 80: <https://x.com/MandyGullMasty/status/1969168352284213262>. However, there has been no disclosure regarding who was consulted, in what context, or the substance of those discussions.

Urgent Need for Full Cooperation with the Expert Advisory Committee (EAC)

The Caring Society has received correspondence from the EAC expressing concern that Canada's actions are impeding the EAC's ability to fulfil its mandate. The Caring Society maintains that the EAC is independent and should be able to provide advice on ISC reform without any form of retaliation or interference, and with the full cooperation of all parties involved.

- ISC has not paid invoices for EAC members—including Elders and youth—due to shifting justifications, such as the imposition of terms of reference not agreed to by the EAC or the Caring Society. These terms were previously rejected by First Nations in Assembly as part of the draft Final Settlement Agreement.
- ISC has requested detailed invoice information, which appears to require disclosure of the names of First Nations Leadership and experts.
- ISC has not convened EAC meetings or provided timely and relevant information.

- ISC has insisted on meetings with EAC co-chairs to discuss terms of reference prior to calling EAC meetings.

On September 25, 2025, the Assembly of First Nations wrote to Canada, with the Caring Society copied, expressing support for the EAC and urging Canada to convene a co-chairs meeting and an EAC meeting promptly. Although Canada surveyed possible dates for the co-chairs meeting, an EAC meeting has yet to be scheduled.

Funding to Support Engagement Pursuant to 2025 CHRT

80

To date, the AFN, the National Children's Chiefs Commission and the Caring Society have undertaken all of the engagement work without financial support or capacity funding from Canada. The Caring Society is of the view that the engagement undertaken pursuant to 2025 CHRT 80 ought to be reimbursed by Canada under the Consultation Protocol for the Caring Society's and AFN's efforts, as complainants, to develop long-term reform approaches. We further believe that Canada ought to reimburse the National Children's Chiefs Commission for its costs. In particular, paragraphs 20-22 and 25 of the Consultation Protocol support such an approach:

- 20 (development by the parties of long-term relief approaches, for the Tribunal's consideration),
- 21 (work with the parties' constituencies to develop mid-term and long-term reforms),
- 22 (sufficient and adequate capacity funding by Canada),
- 25 (duration of the Consultation Protocol until mid to long term remedies are completely implemented).

On October 14, 2025, the Caring Society sought Canada's position on the scope of the Consultation Protocol with regard to capacity funding to support the engagement directed pursuant to 2025 CHRT 80. On October 15, 2025, counsel for Canada indicated that they would need to seek instructions and did not anticipate receiving those instructions prior to October 20, 2025.

Conclusion

This report highlights significant progress in engaging First Nations Leadership, experts, and youth in the development of a national plan and remedies pursuant to 2025 CHRT 80. Collaborative efforts between the Caring Society, AFN, and the National Children's Chiefs Commission have resulted in the finalization and distribution of engagement materials, supported by accessible resources and regional forums. Despite these advancements, ongoing challenges remain, including insufficient funding, limited disclosure of key information from Canada, and the judicial review of 2025 CHRT 80. The imperative for Canada to fully cooperate with the Caring Society, AFN, NCCC, and the Expert Advisory Committee—and to respect the EAC's independent mandate—is paramount. Continued advocacy and transparency are essential to ensure the engagement process drives meaningful reform and the elimination of discrimination in First Nations child and family services.

Resources for Developing a National Plan to End Canada's Discrimination in First Nations Child and Family Services



This information sheet contains a list of resources on topics related to First Nations Child and Family Services to inform regional discussions on developing a national plan to end Canada's discrimination and ensure that First Nations children, youth, and families have access to effective and culturally based interventions to prevent and respond to child maltreatment and ensure they can thrive in a manner consistent with applicable child protection legislation and legal orders. The legislation and orders include, but are not limited to, An Act respecting First Nations, Inuit and Métis children, youth and families; the Canadian Human Rights Act; the orders of the Canadian Human Rights Tribunal in First Nations Child and Family Caring Society et al. v Attorney General of Canada; and the United Nations Declaration on the Rights of Indigenous Peoples.

Child Maltreatment

What is Child Sexual Abuse? (April 2025)

cwrp.ca/publications/what-child-sexual-abuse

What is Children's Exposure to Intimate Partner Violence? (April 2025)

cwrp.ca/publications/what-childrens-exposure-intimate-partner-violence

What is Child Neglect? (September 2024)

cwrp.ca/publications/what-is-child-neglect

What is Child Physical Abuse? (September 2024)

cwrp.ca/publications/what-is-child-physical-abuse

Data on First Nations Children and Families in Contact With Child Welfare (2019)

fncaringsociety.com/publications/first-nations-incidence-study-reported-child-abuse-neglect-2019-fncis-2019-information

Prevention

Balancing Immediate Protection and Long-Term Well-Being (April 2025)

cwrp.ca/publications/balancing-immediate-protection-and-long-term-well-being

Supreme Court of Canada's Reference re An Act Respecting First Nations, Inuit and Métis Children, Youth and Families: What Indigenous Peoples and Governments Need to Know (January 2025)

cwrp.ca/publications/supreme-court-canadas-reference-re-act-respecting-first-nations-inuit-and-metis

Legislation, Regulation and Soft Law (January 2025)

cwrp.ca/publications/legislation-regulation-and-soft-law

What are Child Welfare Prevention Services? (September 2024)

cwrp.ca/publications/what-are-child-welfare-prevention-services

What is Out-of-Home Care? (September 2024)

cwrp.ca/publications/what-is-out-home-care

Unpacking the Meaning of Culturally-Relevant, Trauma-Informed Care (August 21, 2024)

Spirit Bear Podcast, S2 E7: jkingfncfcs.podbean.com/e/s2-e7-unpacking-the-meaning-of-culturally-relevant-trauma-informed-care/

Loving Our Children: Finding What Works for First Nations Families (April 2024)

cwrp.ca/publications/loving-our-children-finding-what-works-first-nations-families

Ask an Expert: Going "0-60" with Prevention Services (January 2024)

fncaringsociety.com/publications/ask-expert-going-0-60-prevention-services

Going "0-60" with Prevention Services (December 7, 2023)

Spirit Bear Podcast, S2 E10: jkingfncfcs.podbean.com/e/s2-e10-going-0-60-in-prevention-services/

Culturally Relevant Substance Use Interventions for First Nations, Métis, and Inuit Communities (November 3, 2023)

Spirit Bear Podcast, S2 E9: jkingfncfcs.podbean.com/e/s2-e9-culturally-relevant-substance-use-interventions-for-first-nations-metis-and-inuit-communities/

Ask an Expert: Substance Use Interventions (November 2023)

fncaringsociety.com/publications/ask-expert-culturally-relevant-substance-use-interventions-first-nations-metis-and

Ask an Expert: Providing Culturally Relevant, Trauma-Informed Care to First Nations Youth (August 2023)

fncaringsociety.com/publications/ask-expert-providing-culturally-relevant-trauma-informed-care-first-nations-youth

Liability and Prevention Services: An Information Sheet for First Nations Providing Prevention Services (July 2023)

fncaringsociety.com/publications/liability-and-prevention-services

Let's Talk About Birth Alerts (June 8, 2023)

Spirit Bear Podcast: jkingfncfcs.podbean.com/e/birth-alerts/

Ask an Expert: Birth Alerts with Dr. Barbara Fallon, Dr. Ashley Vander Morris and Genevieve Sansone (April 2023)

fncaringsociety.com/publications/ask-expert-birth-alerts-dr-barbara-fallon-dr-ashley-vandermorris-and-genevieve-sansone

Parenting Capacity Assessments (April 24, 2023)

Spirit Bear Podcast, S2 E3: jkingfncfcs.podbean.com/e/s2-e3-parenting-capacity-assessments/

Ask an Expert: Parenting Capacity Assessments (April 2023)

fncaringsociety.com/publications/ask-expert-parenting-capacity-assessments-dr-barbara-fallon-dr-ashley-vandermorris-and

Getting Started with Prevention Services – Infographic (July 2022)

fncaringsociety.com/publications/getting-started-prevention-services-infographic

Child & Family Services – Prevention Measures: Federal, Territorial and Provincial Legislation (December 29, 2020)

fncaringsociety.com/publications/canadian-federal-provincial-and-territorial-prevention-legislation-review

Funding Structures

Institute of Fiscal Studies and Democracy - First Nations Child and Family Services (FNCFS) Project: Phase 3 (Interim Update) (March 2024)

fncaringsociety.com/publications/first-nations-child-and-family-services-fncfs-phase-3-interim-update

Institute of Fiscal Studies and Democracy - First Nations Child and Family Services (FNCFS) Project: Phase 2 (Executive Summary) (August 2020)

fncaringsociety.com/publications/ifsd-executive-summary-phase-2

Institute of Fiscal Studies and Democracy - Funding First Nations Child and Family Services (FNCFS): A Performance Budget Approach to Well-Being (Fact Sheets) (January 2020)

fncaringsociety.com/publications/ifsd-fact-sheets

Reformed Approaches

Study of Budget Needs and Funding for Small First Nations in the Amended Draft Final Settlement Agreement for Long-Term Reform of FNCFS Program (July 2025)

fncaringsociety.com/publications/study-budget-needs-and-funding-small-first-nations-amended-draft-final-settlement

Reformed Approach to Child and Family Services (June 2024)

fncaringsociety.com/publications/reformed-approach-child-and-family-services

Caring Society's March 24, 2025, Submission to the Tribunal Regarding Long-Term Reform of First Nations Child and Family Services (March 2024)

fncaringsociety.com/publications/caring-societys-march-24-2025-submission-tribunal-long-term-reform

Expert Advisory Committee for the Reform of Indigenous Services Canada: Summary Report of Activities, Observations and Advice (2024)

<https://fncaringsociety.com/publications/eac-reform-indigenous-services-canada-summary-report-activities-observations-and>

Proposed Amendments

Proposed Amendments to the Draft Final Settlement Agreement (Sept. 24, 2024)

fncaringsociety.com/publications/caring-societys-proposed-amendments-draft-fsa

2016 CHRT 2

Victory for First Nations Children: Canadian Human Rights Tribunal Finds Discrimination Against First Nations Children Living On-Reserve (January 26, 2016)

fncaringsociety.com/publications/2016-chrt-2-information-sheet-victory-first-nations-children

2025 CHRT 80

Canadian Human Rights Tribunal Ruling on National First Nations Child and Family Services Long-Term Reform: 2025 CHRT 80 (August 2025)

fncaringsociety.com/publications/2025-chrt-80

For more information, visit fnwitness.ca