

September 22, 2025

Dayna Anderson

Department of Justice

Civil Litigation Section

50 O'Connor Street, 5th Floor

Ottawa ON K1A 0H8

Dear Counsel:

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

Dear Ms. Anderson,

We counsel for the First Nations Child and Family Caring Society (the “**Caring Society**”).

Further to the direction of the Canadian Human Rights Tribunal (the “**Tribunal**”) in 2025 CHRT 80, the Assembly of First Nations (the “**AFN**”) and the Caring Society are consulting with “the National Children’s Chiefs Commission (the “**NCCC**”), First Nations Chiefs, and other experts, including First Nations and First Nations organizations outside Ontario, as well as those that have filed interested party motions, to develop an evidence-based, comprehensive National FNCFS long-term reform plan and requested remedies outside Ontario” (para. 120).

To this end, we are requesting disclosure from the Attorney General of Canada (the “**AGC**”), in keeping with the obligation for ongoing disclosure¹, regarding the existing provincial and territorial agreements that provide for child and family services to First Nations living on reserve and in the Yukon Territory. In 2016 CHRT 2, the Tribunal reviewed these agreements at paragraphs 247 – 254. At paragraph 393, the Tribunal noted the following:

[393] In fact, the evidence demonstrates adverse effects for many First Nations children and families living on reserve and in the Yukon, including a denial of adequate child and family services, by the application of AANDC’s FNCFS Program, funding formulas **and other related provincial/territorial agreements**. These findings are consistent with those of the *NPR*, *Wen:De* reports, Auditor General of Canada reports and Standing Committee on Public Accounts reports. Again, the Panel accepts the findings in those reports and has relied on them to make its own findings. Those findings are also

¹ See for example 2013 CHRT 16 and 2020 CHRT 17

corroborated by the other testimonial and documentary evidence outlined above, including the internal documents emanating from AANDC.

In order to obligations as set out in 2025 CHRT 80 to be discharged, the Caring Society is requesting the following:

- *Federal-Provincial and Federal-Yukon Agreements for the purposes of providing child and family services, including reformed federal-provincial and Federal-Yukon agreements in placed between 2016 and 2025; and*
- *Documents related to the discussions and negotiations with respect to the reform of federal-provincial and Federal-Yukon agreements, including but not limited to audits, annual reports, funding reviews, performance data collection, analysis, reporting, and funding amounts provided under Federal-Provincial and Federal-Yukon agreements including the services and activities for which funding is provided.*

The Caring Society requests that these agreements and requested information be disclosed within five (5) business days. Please advise in advance of the Case Management Conference on September 26, 2025 whether there is an objection by the AGC to the disclosure of these agreements and requested information. The Caring Society plans to raise this issue at the CMC.

Yours Truly,



Sarah Clarke

cc. *Paul Vickery, Sarah Bird, Kevin Staska*
Counsel for the Attorney General of Canada

Peter Mantas, Gabrielle Cyr and Tina Sun,
Counsel for the Co-Complainant, Assembly of First Nations

Anshumala Juyal and Khizer Pervez,
Counsel for the Canadian Human Rights Commission

*Maggie Wente, Benjamin Brookwell, Sinéad Dearman, Jessie Stirling-Voss, Katelyn Johnstone, Ashley Ash, Jenna Rogers
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*Justin Safayeni, Stephen Aylward and Taskeen Nawab,
Counsel for the Interested Party, Amnesty International*