

Bulletins from Indigenous Services Canada regarding FNCFS and Jordan's Principle released without consultation with other Parties to the CHRT complaint



This information sheet identifies and summarizes bulletins created and circulated by Indigenous Services Canada (ISC) regarding the First Nations Child and Family Services (FNCFS) program and Jordan's Principle. The bulletins identify ISC's changes to the FNCFS program and Jordan's Principle, without discussion or consultation with First Nations or the co-complainants in *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada*. This practice does not comply with Canadian Human Rights Tribunal (CHRT) orders, including an order for Canada to consult with the parties to the complaint to eliminate the discrimination substantiated in 2016 CHRT 2 ([2018 CHRT 4](#), para. 431).

Some of the ISC bulletins identified in this information sheet were available on ISC's website when they were first created, but most are no longer posted there. The Caring Society received most of these bulletins from First Nations and FNCFS agencies, who received them directly from ISC.

The Caring Society notes that Canada is required to ensure its conduct, including bulletins, align with the CHRT orders to permanently stop its discriminatory conduct toward First Nations children, youth, and families in Jordan's Principle and child and family services. Canada is also bound by other relevant legislation, such as [An Act Respecting First Nations, Inuit and Métis children, youth and families](#) and the [Privacy Act](#). A full reading of the bulletins with legal advice is recommended to assess whether Canada has met these legal obligations.

Please note: This information sheet only covers bulletins the Caring Society is currently aware of. It is updated when we become aware that ISC has released a new bulletin.

You can find the bulletins covered in this information sheet on the Caring Society's website:
<https://fncaringsociety.com/publications/information-bulletins-indigenous-services-canada-regarding-fncfs-and-jordans-principle>

First Nations Child and Family Services (FNCFS) Program Bulletins

Post-Majority Care

Background: On March 24, 2022, the CHRT issued [2022 CHRT 8](#), ordering Canada to fund, at actual cost, post-majority care (which includes supports and services) as part of the FNCFS program to First Nations youth aging out of care, and young adults who were formerly in care up to age 26, across all provinces and territories starting April 1, 2022 (Caring Society info sheet: [Post-Majority Services Infographic - Ensuring the Wellbeing of First Nations Young People Aging out of Child Welfare](#)).

Bulletin Title: Post-Majority Support Services Toolkit

Bulletin Date and Number: April 1, 2022; number not provided

Stated purpose: "Communication resource to inform First Nations youth and young adults who are or have been in care, and First Nations and FNCFS Providers, of the tools and supports available to them when navigating and accessing post-majority care services" (front cover).

The bulletin provides instructions for making a funding request and says it includes a "Post-majority care Services Funding Request Form," but the form itself is not included in the bulletin. The form was released as a separate bulletin on January 6, 2023 (see next bulletin).

Readers are told to "consult the Post-Majority Care Services Toolkit and the ISC website" for more information, and are provided with this link: <https://www.sac-isc.gc.ca/eng/1650377737799/1650377806807>.

Bulletin Title: Post-Majority Support Services Funding – Form

Bulletin Date and Number: January 6, 2023; INTER 83-186E2023-01-06

This bulletin is a form to be filled out by organizations applying for funding to supply either direct and/or indirect services to youth for post-majority support services. (This appears to be the form referred to in the previous bulletin, Post-Majority Support Services Toolkit.) The form requires organization information, including the following:

- contact information
- a declaration of service type (direct and/or indirect)
- a description of goals and objectives, key activity, resources, and anticipated and/or planned results
- budget information

The categories of direct service costs on the form are:

- Learning, educational and professional development opportunities
- Financial support and safe, stable, comfortable housing
- Physical, mental and social wellbeing
- Re-connect with land, culture, language & community

Indirect service cost options are not listed. Some examples of what supporting documentation "could outline" are included on page 36 of the Post-Majority Support Services Toolkit.

Bulletin Title: User Guide to Submit Post Majority Support Services (PMSS) Information in FNCFS IMS/DMS

Bulletin Date and Number: No date on document. File properties reveal creation date as December 2, 2024; GCDOCS # 107920027

Stated purpose: "This document acts as a guide for regional and agency users regarding the entry of Post-Majority Support Services (PMSS) information into the First Nations Child and Family Services Information Management System (FNCFS IMS) and Data Management System (FNCFS DMS)" (p. 2).

The document provides different process overviews for agency users and regional users.

Child Protection Services Delivery

Bulletin Title: Child Protection Services Delivery and Least Disruptive Measures

Bulletin Date and Number: November 2023; number not provided

This bulletin was distributed to First Nations and delegated First Nations Agencies to instruct them on the following:

- what least disruptive measures are in the context of child protection services
- what First Nations need to know
- what delegated First Nation agencies need to know
- how a delegated First Nation agency can access funding for least disruptive measures
- reporting requirements for least disruptive measures
- prevention and protection services continuum (chart)

The bulletin indicates that funding for least disruptive measures is included in an agency's initial allocation for protection services, and that "[p]rotection services are delivered by delegated service providers only with baseline protection allocations, [sic] that consist of maintenance and care, intake and investigations, and operations funding." This initial allocation "[i]ncludes funding for least disruptive measures. Where necessary, *funding may be supplemented for eligible activities through the actuals claims process*" (p. 5, emphasis added).

Prevention funding is \$2500 per capita, adjusted for inflation and population. Agencies requesting additional funding through the claims on actuals process for Intake and Investigations or Maintenance and Care are expected to utilize unexpended funding "to support their continued service delivery" before ISC will approve additional funding (p. 3).

Delegated First Nation agencies are instructed to include reporting for least disruptive measures using existing reporting processes while ISC is reviewing these reporting requirements "as part of the reform of the FNCFS Program" (p. 4).

Bulletin Title: Management of Unexpended First Nations Child and Family Services Program Funding

Bulletin Date and Number: February 25, 2025; FNCFS/SEFPN-2025-001-E

ISC issued this bulletin 15 months after the previous bulletin, which stated that agencies must use unexpended FNCFS program funding for least disruptive measures before ISC will approve additional funding for least disruptive measures.

This bulletin says it aligns with the Deputy Minister's October 29, 2024, announcement of "the reinstatement of pre-pandemic reporting requirements, timelines and procedures, and with ISC's

ongoing financial obligations outlined in all funding agreements.” It replaces previous guidance regarding “procedures on the in-year reallocation or use of unspent funds among the FNCFS funding elements” (p. 1). It claims to align with the objectives of the FNCFS program and to comply with CHRT orders in its guidelines for the use of unexpended funds.

The bulletin outlines restrictions on in-year reallocation in four main funding areas:

- Prevention funding cannot be reallocated to protection, except to fund least disruptive measures aligned with provincial/territorial legislation;
- Protection funding cannot be reallocated because “it is specifically designated to support mandated legislative services” (including operations, maintenance, and least disruptive measures);
- Capital project ([2021 CHRT 41](#)) funding cannot be reallocated to other FNCFS program funding areas;
- Unspent housing funds cannot be reallocated towards other FNCFS program funding areas.

The bulletin claims that “[t]hese restrictions are in place to ensure that Canada continues to provide funding to cover the actual costs of certain activities in compliance with CHRT orders” (p. 2).

***Bulletin Title: Addendum to FNCFS Information
Bulletin 2025-001-E Management of Unexpended Funds***

Bulletin Date and Number: April 8, 2025; GCDOCS # 134293598

This bulletin adds additional details to the February 25, 2025, bulletin titled *Management of Unexpended First Nations Child and Family Services Program Funding*, providing some direction on applying for the reallocation of unexpended funds for vehicle purchases and building repair and maintenance.

The bulletin states that FNCFS agencies can submit an unexpended funding plan with a request to reallocate unexpended program funding for vehicle purchase and for building repairs and maintenance. Guidelines and restrictions for reallocation are outlined in the previous bulletin (2025-001-E). ISC regional offices are responsible for reviewing and approving these plans and for requesting clarification from the funding recipient if needed.

Bulletin Title: Definition of ‘Ordinarily Resident on Reserve’

Bulletin Date and Number: May 30, 2025; number not provided

The bulletin says its purpose is “to provide clarity and a common understanding to ensure that the FNCFS program is delivered in compliance with the [FNCFS Transitional Terms and Conditions](#) which state that the program funds services for First Nations children, youth and families **ordinarily resident on reserve or in the Yukon**” (emphasis in original).

*Note that ISC made multiple revisions to the FNCFS Transitional Terms and Conditions between 2018 and 2025.

The residency of a child is derived from the residency of the child’s parent or guardian. According to this bulletin, ordinarily resident on reserve refers to the residency status of an adult who resides on reserve at least 50% of the calendar year and who does not maintain a primary residence elsewhere, or:

- is temporarily residing off reserve while registered either full-time or part-time in an educational institution or a training program and who would otherwise reside on reserve; or
- is temporarily residing off reserve in order to obtain health or social services for which there are no reasonably comparable services on reserve and who, but for the need to receive said services, would reside on reserve; or
- is temporarily residing off reserve due to a natural disaster.

This definition is effective as of June 1, 2025.

Bulletin Title: First Nation Requests to Authorize and Direct Funding to a Service Provider

Bulletin Date and Number: August 1, 2025; FNCFS/SEFPN 2025-006-E

The bulletin outlines how First Nations can authorize ISC to provide funding for prevention services, First Nations Representative services (FNRS), and post-majority support services to a child and family services provider. It includes guidelines for authorizing a service provider to directly receive funding and states that annual deadlines to direct funding “must state who will access FNCFS funding to deliver services and be **submitted by September 30th of the preceding calendar year,**” and that the direction must apply for a minimum of one full fiscal

year (p. 1, emphasis in original).

If a First Nation decides to change service providers, ISC will “collaborate with all affected providers to develop transition plans” and will “clarify roles and responsibilities” and “address the handling of any unexpended funds,” while also “[establishing] communication strategies to support smooth and uninterrupted service delivery” (pp. 1-2).

Recipients of program funding can redistribute funding they receive from ISC to another service provider, but this requires a written agreement between the First Nation and the party receiving the funds. Also, the original funding recipient will remain accountable for how the funding is used, including unexpended funds, and must ensure compliance with the program's terms and conditions, including any associated reporting.

Bulletin Title: Capital Cost Increases Related to Contract Management or Cancellations – 2021 CHRT 41

Bulletin Date and Number: December 12, 2025; FNCFS/SEFPN 2025-17-E

This bulletin was issued as an add-on to ISC's [FNCFS Capital Assets Guide](#), which is a response to [2021 CHRT 41](#), in which the CHRT ordered Canada to fund, at actual cost, all FNCFS agencies, including small agencies and/or First Nations, for the purchase and/or construction of capital assets that support the delivery of FNCFS services.

The bulletin lists eligible and ineligible costs relating to contract modifications and cancellations between FNCFS capital funding recipients and those they have contracted to carry out work on capital projects, including consultants, designers, and contractors. ISC states that it is not a party to these contracts, and that funding recipients are responsible for all legal, financial, and operational consequences arising from contract disputes, cancellations, or breaches.

Ineligible expenditures regarding contract modification or cancellation:

- penalties or fees that result from contract terminations or disputes;
- delays or price escalations triggered by cancellation;
- cost overruns caused by funding recipient actions.

Eligible expenditures regarding contract modification or

cancellation:

- cost overruns that occur between the feasibility/design phase and construction phases, if they are due to unanticipated but required changes, like job-site conditions that differ from those anticipated at tender;
- increased costs due to ISC-approved scope changes.

In cases where contract cancellation is necessary to address serious procurement integrity issues (e.g., fraud, conflict of interest, bid manipulation) or contractor bankruptcy or default, ISC *may consider* providing additional funding for project completion. ISC must be notified within five business days of cancelling any contract linked to a capital project.

**Please note: Responses to ISC's First Nations Child and Family Services bulletins are currently under review.*

Jordan's Principle

Bulletin Title: Jordan's Principle Operational Bulletin: Updates to the Implementation of Jordan's Principle

Bulletin Date and Number: February 10, 2025; number not provided

This bulletin begins by stating that “certain types of requests” under Jordan's Principle “will no longer be approved” and says that the bulletin applies to new requests as well as requests that have been received but not yet processed.

According to the bulletin, all requests must show:

1. How the requested product, service or support meets the distinct needs of the First Nation child, and
2. How the child either:
 - a. Experienced gaps or delays in accessing government services, or
 - b. Was denied an existing government service because of their identity as a First Nations child

The bulletin also states that funding for the items listed below “will not be approved unless such funding is required by substantive equality”:

- Purchase, construction or structural renovations of homes;

- Requests to support sporting events or elite/competitive sport related training, unless they are linked to the specific health, social, or educational needs of the First Nations child;
- International travel, unless it is related to an exceptional medical need of the First Nations child;
- Non-medical supports such as travel costs, non-medical respite care, childcare, clothing, furniture and vehicles, unless accompanied by a letter of support from a medical professional;
- School-related requests, unless linked to the specific health, social or educational need of the First Nations child;
- Automatic administrative fees within group requests, including salaries, services fees and overhead costs.

The bulletin also says that each new request will be considered on a case-by-case basis, and that there is no guarantee that an existing or previously approved request will be approved for new funding.

For group requests, applicants must list each child's name, date of birth, and confirmation of their First Nations eligibility.

The bulletin claims that "Jordan's Principle is not intended to duplicate or change the scope of supports provided by federal government programs or jurisdictions" and instructs applicants to check with their provincial or territorial government to see if there are "other funding programs or services available in [their] province or territory" that provide the service requested (p. 6).

Bulletin Title: 2021 CHRT 41 for Jordan's Principle Information Bulletin: Funding of Operations and Maintenance (O&M) Activities for Constructed Capital Assets

Bulletin Date and Number: November 24, 2025; number not provided

This bulletin outlines the purpose, background, eligibility criteria, and required documentation for Operations and Maintenance (O&M) activities for capital assets *constructed* for Jordan's Principle. The bulletin states that the guidance therein serves as an "interim direction on this subject matter until a future iteration of the *First Nations Child & Family Services & Jordan's Principle Capital Delivery Guide* ... is developed and agreed upon by the Parties to the 2021 CHRT 41 Order" (p. 1).

The bulletin differentiates between core building/facility O&M and programmatic/service delivery O&M, and states that only core building/facility O&M activities will be considered for funding, that funding will be based on actual expenditures rather than estimates, and that "[a]ll O&M activities funded by Jordan's Principle **must demonstrate a clear link** to the constructed capital assets they are associated with" (p. 1, emphasis in original). It also states that "Jordan's Principle is generally adopting the Capital Facilities Maintenance Program (CFMP)'s O&M cost definition with minor alterations and clarification provided to respond to the Jordan's Principle context" in order to "align with existing ISC's policy on infrastructure" (p. 1).

The bulletin makes no mention of *purchased* capital assets, despite the [2021 CHRT 41](#) order that Canada must fund "all FNCFS agencies including small agencies and/or First Nations at actual costs" for the *purchase and/or construction* of capital assets "that support the delivery of Jordan's Principle services to children on-reserve, including in Ontario and in the Yukon" (2021 CHRT 41, XV. Order, D and E).

Responses to ISC's Jordan's Principle Operational Bulletin

Caring Society's Response

On February 13, 2025, the Caring Society sent a letter to ISC, stating that Canada must withdraw its February 10, 2025 bulletin and mediate these issues on a good faith basis as part of the dialogic approach outlined by the CHRT. In particular, the Caring Society takes issue with the following:

- ISC does not indicate how the bulletin applies to urgent requests, if at all;
- ISC should not apply the bulletin retroactively, including to the backlog of requests (amounts to "shifting the goal posts");
- ISC recycles its discriminatory conduct found in 2016 CHRT 2 by presuming that the needs of First Nations children can be satisfied by existing services and then foists the responsibility of identifying and coordinating such services onto First Nations, service providers and families;
- ISC's narrowing of the scope of eligible products, services and supports "unless such funding is required by substantive equality" appears to be inconsistent

with the CHRT's clarification that the presumption of substantive equality applies to all Jordan's Principle requests;

- ISC released the bulletin without consulting the Caring Society or the other Parties in active mediation on directly related matters.

In addition, the Caring Society filed an Access to Information and Privacy (ATIP) request and found that ISC has no approach to ensuring that the right of First Nations children to substantive equality is upheld, including how ISC will determine if a requested service, support, or product is required by substantive equality.

You can find the ATIP request here:

<https://fncaringsociety.com/publications/atip-jordans-principle-operational-bulletin>

The following resource provides more information on the Caring Society's response to ISC's February 10, 2025 bulletin on Jordan's Principle: [Knowing Your Rights Under Jordan's Principle \(webinar presentation by Jess Raby\)](#)

You can read the Caring Society's February 20, 2025 response to allegations by Canadian officials of widespread misuse of Jordan's Principle here: [Statement on federal government allegations of misuse of Jordan's Principle](#).

Assembly of First Nations Response: Resolution no. 02/2025

In Resolution no. 02/2025 of the Assembly of First Nations (AFN) Annual General Assembly September 3-5, 2025, the First-Nations-in-Assembly resolved to call on Canada to do the following:

- fully comply with the CHRT's orders on Jordan's Principle, including to immediately and effectively address its non-compliance and the Jordan's Principle backlog, in particular;
- establish a committee comprised of the Parties, experts, and regional technicians to provide oversight and conduct a review of the current [2021 CHRT 41](#) process and make recommendations for improvement;
- repeal the Jordan's Principle Operational Bulletin and cease any implementation of activities from it;
- reject Minister Hajdu's February 10, 2025, letter to provincial and territorial governments calling on them

to provide the same supports and services to First Nations children that they provide any other child residing off reserve, as the request implies that substantive equality does not apply to First Nations children residing off reserve;

- retract its statements of misuse of Jordan's Principle;
- establish an interdepartmental team of senior public servants with demonstrated expertise and authority to address systemic failures to immediately remedy the backlog, in consultation with experts that include, but are not limited to: the National Children's Chiefs Commission technical experts; the National Advisory Committee and its Jordan's Principle Action Table; First Nations representatives on the Jordan's Principle Operations Committee; First Nations health, education, and social development professionals; and Elders/Knowledge Keepers.

You can find AFN Resolution no. 02/2025 here:

afn.bynder.com/m/57ac6b5099feca4d/original/02-2025-Jordan-s-Principle-Operations-2.pdf