

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

Ottawa, Canada, K1A 1J4

January 27, 2026

By e-mail

(See Distribution List)

Dear Parties,

Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada
Tribunal File: T1340/7008

Please see below the summary of the Case Management Conference Call (CMCC) that was held on January 21, 2026. This summary has been written by the Panel.

Sophie Marchildon, Panel Chair, Edward Lustig, Panel Member

David Taylor, Sarah Clarke, Robin McLeod, Counsel with Dr. Cindy Blackstock, Brittany, Matthews, and Laurence Allard for the Caring Society

Peter N. Mantas and Clive Ngan, Counsel for the Assembly of First Nations.

Khizer Pervez, Counsel for the Canadian Human Rights Commission

Dayna Anderson, Paul Vickery, Sarah Bird and Alicia Dueck-Read, Counsel for Canada

Maggie Wentz and Sinead Dearman, Counsel with Nicole Bakes for the Chiefs of Ontario

Meaghan Daniel, Counsel with David Schwartz, Paralegal for the Nishnawbe Aski Nation (NAN)

Summary

The Panel discussed the status of the National Long-Term Reform Plans filed in December 2025, including the Minister of Indigenous Services Canada's announcement of a \$4.4-billion annual funding commitment after 2034 to ensure the sustainability of services. The Minister indicated that this commitment reflected what she had heard First Nations were seeking, with regional consultations scheduled to begin in January 2026.

The Panel sought clarification on the caveat in the AGC's submissions indicating they were filed "without prejudice" to the judicial review, and how that caveat aligned with the public funding commitment. The AGC explained that the "without prejudice" language was included to preserve the Minister's flexibility depending on the outcome of the judicial review; however, it did not alter the publicly announced commitment to sustainable child and family services program funding. The Panel asked the AGC to provide further details on the proposed schedule, including any guidance or instructions regarding engagement with the complainants and the NCCC on a potential hybrid plan, as publicly articulated by the Minister. The AGC indicated that it did not have any instructions to

convey regarding the possibility of a hybrid plan. Canada had previously presented a proposed procedural schedule that included various deadlines and opportunities for regional negotiations.

The Panel addressed the parties' concerns regarding the proposed schedule for the national long-term reform plans hearing.

Canada's proposed schedule follows a format similar to that used in the Ontario Final Agreement (OFA) motion and includes deadlines for potential interested parties' motions, evidence, submissions, and cross-examinations, with an opportunity to provide updates arising from regional negotiations by September 30. The complainants strongly opposed the AGC's proposed schedule, which extends into early 2027. They indicated their intention to review Canada's plan and emphasized the Tribunal's expectation that a hearing take place by the end of the year, as stated in paragraph 127 of the CHRT-80 decision. With respect to the proposed plan, the Caring Society and the AFN submitted a proposed hearing timeline, which Canada opposed. The Panel indicated that it would rule on the proposed plan by the following week. Regarding the transcription issue, the Caring Society requested additional time to address the partial transcription problem, while Canada and other parties raised concerns about potential delays. The Panel agreed to consider the case law and options presented by the parties and determine the appropriate next steps.

Next steps

- Panel: Rule on the proposed schedule/timetable for the National Long-Term Reform Plans proceedings expeditiously, at the latest by next week.
- Caring Society: Report back to panel by end of the week on transcript resolution efforts.
- Chiefs of Ontario and Caring Society: Submit case law/authorities by end of calendar day.
- Attorney General of Canada: When possible, file a redacted affidavit of L. Smiley and provide paper copies to the Tribunal.
- Panel: Review case law submissions and make ruling on transcript issue and procedural next steps.

Should you have any questions, please do not hesitate to contact the Registry Office by e-mail at registry.office@chrt-tcdp.gc.ca or by fax at 613-995-3484.

Yours truly,

Judy Dubois
Registry Officer

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