

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

CANADIAN HUMAN RIGHTS COMMISSION

Commission

-and-

ATTORNEY GENERAL OF CANADA**(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION**

Interested Parties

**REPLY MOTION RECORD OF THE PROPOSED INTERESTED PARTY, THE
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CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

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**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA and
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Interested Parties

REPLY AFFIDAVIT OF CHIEF PAULINE FROST

(February 12, 2026)

I, CHIEF PAULINE FROST, of Old Crow, Vuntut Gwitchin First Nation (“**Vuntut Gwitchin**”),

AFFIRM THAT:

1. I am the Chair of the National Children’s Chiefs Commission (“**NCCC**”), the Commissioner for the Yukon Region appointed to the NCCC, and Vuntut Gwitchin Chief. This is my second affidavit in this matter. Details of my professional background are set out in my first affidavit, affirmed November 20, 2025. I affirm this affidavit in support of the NCCC’s motion for interested party status in this matter, and for no other or unlawful purpose. I acknowledge the consequences of making a false statement in an affidavit.

2. I have personal knowledge of the matters that I depose to in this affidavit, except where I state them to be on information and belief, and where so stated, I verily believe them to be true and state the source of the information.

I. The NCCC Promptly Engaged in Efforts to Set Up a Process for this Motion

3. I reviewed the Written Submissions of the Attorney General of Canada (“**Canada**”), dated February 4, 2026. I note Canada states at paragraph 27 that, “there was no process by which the parties could test the evidence through cross-examination.” In reply, the following is a summary of correspondence among counsel and the Canadian Human Rights Tribunal (“**Tribunal**”) in relation to the NCCC’s motion for interested party status.

4. On November 21, 2025, Alexander DeParde, Aird & Berlis LLP, legal counsel for the NCCC, wrote to the Tribunal—copying counsel for the parties and interested parties—advising the NCCC filed (a) “a Notice of Motion for interested party status;” and (b) “the Affidavit of Chief Pauline Frost, affirmed November 20, 2025.” Mr. DeParde wrote:

We have also prepared draft written submissions, but have refrained from filing them pending further direction from this Tribunal under Rule 3(2) in relation to responding evidence, cross-examinations, and responding written submissions.

We understand the next case conference is scheduled for November 27, 2025. Subject to this Tribunal’s direction, we propose to attend on behalf of the NCCC to speak to the procedure and timetable for the NCCC’s motion for interested party status. If this would be acceptable to the Tribunal, we would be grateful to receive coordinates for the case conference.

A copy of the letter from Mr. DeParde to the Tribunal, dated November 21, 2025, is attached as **Exhibit “A”**.

5. On December 8, 2025, Judy Dubois, Senior Registry Officer sent an e-mail on behalf of the Tribunal to Mary Arulnesan, Legal Assistant, Aird & Berlis LLP. Ms. Dubois wrote:

The Tribunal acknowledges receipt of your email below with attachments on November 21, 2025.

Unfortunately, due to an oversight it was not sent to the Panel members until this morning, December 8, 2025.

The Panel chair will advise the parties of the motion and discuss a schedule for the parties' submissions to respond to the motion. This will be done in case management at some time during the hearing period scheduled to take place from December 10-12, 2025. The Tribunal will advise the NCCC of the set schedule. The NCCC will have a right to reply to the parties' submissions on the motion.

The e-mail from Ms. Dubois to Ms. Arulnesan, dated December 8, 2025, is included in an e-mail chain among Ms. Dubois, Ms. Arulnesan, and others between November 21 and December 17, 2025. That e-mail chain is attached as **Exhibit “B”**.

6. On December 10, 2025, Mr. DeParde e-mailed counsel for the parties and the interested parties, enclosing a letter of the same date. Mr. DeParde wrote:

On Monday, December 15, 2025, we will write to the Tribunal further to Rule 3(2) to propose a procedure for the NCCC's motion for interested party status, including the filing of any responding affidavits, cross-examinations, and the filing of written submissions.

To ensure our proposal reflects the requirements of this motion, we ask each party and interested party to advise whether it intends to (1) consent, oppose, or take no position on the NCCC's motion; (2) cross-examine Chief Frost on her affidavit; and (3) file responding evidence (along with anticipated timing for filing the same).

A copy of the letter from Mr. DeParde to Peter Mantas et al, dated December 10, 2025, is attached as **Exhibit “C”**.

7. On December 12, 2025, Khizer Pervez, counsel for the Canadian Human Rights Commission, responded to Mr. DeParde's December 10, 2025 e-mail. Mr. Pervez wrote:

Further to your correspondence dated December 10, 2025, the Commission writes to advise that it does not intend to take a position on NCCC's motion for interested party status.

The e-mail from Mr. Pervez to Mr. DeParde, dated December 12, 2025, is included in an e-mail chain among counsel for the NCCC, counsel for the parties, and counsel for the interested parties between December 10 and 18, 2025. That e-mail chain is attached as **Exhibit "D"**.

8. On December 14, 2025, Mr. DeParde responded by e-mail to counsel for the parties and the interested parties. Mr. DeParde wrote: "Could we please hear from the remaining parties and interested parties?" On December 16, 2025, Mr. DeParde again e-mailed counsel for the parties and the interested parties. Mr. DeParde wrote:

I am again asking for a response to my Dec. 10 letter so we can identify the steps that will be necessary for the motion. In particular, we need to identify whether the parties/interested parties intend to file responding evidence or cross examine, or whether we can simply proceed to exchanging written submissions.

The e-mail from Mr. DeParde to counsel for the parties and the interested parties, dated December 14, 2025, is included in the e-mail chain attached as Exhibit "D", above.

9. On December 17, 2025, at 10:31 am ET, Dayna Anderson, counsel for Canada, responded to Mr. DeParde's December 16, 2025, e-mail. Ms. Anderson wrote:

We have been fully occupied with the hearing and do not have instructions at this time. I also do not understand that there is any particular deadline to propose a schedule to the Tribunal, although we should of course do so relatively soon. I suggest that we discuss proposed scheduling next week.

The e-mail from Ms. Anderson to Mr. DeParde, dated December 17, 2025, is included in the e-mail chain attached as Exhibit “D”, above.

10. On December 17, 2025, at 11:13 am ET, Ms. Dubois e-mailed counsel for the NCCC, the parties, and the interested parties. Ms. Dubois wrote:

The Tribunal is mindful that the holiday period is fast approaching therefore, the NCCC may file their submissions of no longer than 15 pages at their earliest convenience. The Tribunal and the parties participated in a hearing this week and as you are aware, some parties are also preparing the National long-term reform plan outside Ontario. The parties are considering when would be the best time to respond to the NCCC’s motion and will get back to the Tribunal shortly.

The e-mail from Ms. Dubois to Ms. Arulnesan et al, dated December 17, 2025, is included in the e-mail chain attached as Exhibit “B”, above.

11. On December 18, 2025, Maggie Wente, counsel for Chiefs of Ontario (“COO”) responded to Ms. Anderson’s December 17, 2025, e-mail. Ms. Wente wrote:

I will not be able to have instructions on this matter until January [2026], and because of the nature of your clients request it will require several layers of approvals.

A copy of the e-mail chain from Ms. Wente to Mr. DeParde et al, dated December 10 to 18, 2025, is included in the e-mail chain attached as Exhibit “D”, above.

12. On December 19, 2025, the NCCC filed its motion record in this motion, including the notice of motion and affidavit mentioned above as well as the affidavit of Ms. Arulnesan, sworn December 17, 2025, and the NCCC’s written submissions. That day, Mr. DeParde also wrote to the Tribunal:

Right to File Reply Evidence and Reply Written Submissions

In our November 21, 2025 letter to the Tribunal ..., we indicated “[w]e have also prepared draft written submissions, but have refrained from filing them pending further direction from this Tribunal under Rule 3(2) in relation to responding evidence, cross-examinations, and responding written submissions.”

The reason we refrained from filing our written submissions at that time is because of the unfairness that would result if we filed our written submissions prior to the respondents filing responding evidence or cross-examining our affiant. Ideally, all these evidentiary steps (including the filing of reply evidence, if any) would occur before the filing of our written submissions so all evidence could be addressed at once.

On December 10, 2025, we wrote to counsel for the parties and interested parties. ... In our December 10 letter, we asked each party “to advise whether it intends to (1) consent, oppose, or take no position on the NCCC’s motion; (2) cross-examine Chief Frost on her affidavit; and (3) file responding evidence (along with anticipated timing for filing the same).” The purpose of this letter was to understand the procedural steps required for the Tribunal to adjudicate the NCCC’s motion in a fair and orderly manner.

On December 12, 2025, the Commission confirmed “it does not intend to take a position on NCCC’s motion for interested party status.” On December 17, 2025, Canada advised it “do[es] not have instructions at this time.” On December 18, 2025, Chiefs of Ontario advised its office is closed until January. No other answers to our December 10 letter have been received. As a result, apart from the Commission, we are unable to ascertain whether any of the respondents to the NCCC’s motion intend to file responding evidence or seek to cross-examine our affiant. Nor are we able to ascertain at this time the need to file reply evidence. ...

On December 17, 2025, Senior Registry Officer Judy Dubois emailed us directing that “the NCCC may file their submissions of no longer than 15 pages at their earliest convenience.” Despite not knowing whether the parties/interested parties intend to file responding evidence or seek to cross-examine our affiant, in the interest of moving the NCCC’s motion forward on a timely basis we have filed our Motion Record, inclusive of written submissions. We have done so in express reliance on the assurance of Ms. Dubois that “[t]he NCCC will have a right to reply to the parties’ submissions on the motion,” which we take to include the right to file both reply evidence and reply written submissions.

A copy of the letter from Mr. DeParde to the Tribunal, dated December 19, 2025, is attached as **Exhibit “E”**.

13. On January 6, 2026, Ms. Dubois forwarded counsel for the NCCC an e-mail she had sent to counsel for the parties and interested parties the previous day. In that January 5, 2026 e-mail, Ms. Dubois wrote:

The parties are asked to confirm whether January 21, 2026, is a feasible date for filing responses to the NCCC’s motion seeking interested party status and, if not, to explain why. The Tribunal wishes to complete this round of submissions as expeditiously as possible. The Tribunal recognizes that, at the time the NCCC filed its notice of motion on November 21, 2025, the parties were already preparing for the OFA cross-examination hearing, and that some parties were simultaneously engaged in work on the National Long-Term Plan. The Tribunal is also mindful of the January 16, 2026 deadline; however, given the need to address the NCCC’s motion without delay, the Tribunal requests that the parties provide their views on the proposed deadline by the end of this week.

A copy of the e-mail from Ms. Dubois to Mr. DeParde et al, dated January 6, 2026, is attached as **Exhibit “F”**.

14. On January 16, 2026, Ms. Dubois e-mailed counsel for the NCCC, the parties, and the interested parties. Ms. Dubois wrote:

The Panel directs the National Children’s Chiefs Commission (NCCC) motion schedule as follows:

Parties’ submissions in response to the NCCC’s motion by February 4, 2026;

NCCC reply by February 13, 2026.

A copy of the e-mail from Ms. Dubois to Mr. DeParde et al, dated January 16, 2026, is attached as **Exhibit “G”**.

II. The NCCC and the Loving Justice Plan

15. At paragraphs 77 to 79 of my first affidavit in this matter (including the exhibits referenced in those paragraphs), I described the NCCC’s engagement efforts in relation to what would become “The Loving Justice Plan: First Nations Child and Family Services (Outside Ontario) File pursuant to 2025 CHRT 80” (December 22, 2025) (“**Loving Justice Plan**”). Because I affirmed my first affidavit on November 20, 2025, I was only able to address the NCCC’s efforts up to that date.

16. In addition to reviewing the Written Submissions of Canada, I also reviewed: (i) the Responding Factum of the Interested Parties, COO and Nishnawbe Aski Nation (“**NAN**”), dated February 4, 2026; (ii) the Affidavit of Summer Dulai, affirmed February 2, 2026; (iii) the Letter from David Taylor to the Tribunal, dated February 4, 2026; (iv) the Responding Written Submissions of the Assembly of First Nation (“**AFN**”), dated February 4, 2026; and (v) the Affidavit of Andrew Bisson, sworn February 4, 2026.

17. Each of these responses reference the NCCC’s role in relation to the Loving Justice Plan, including the excerpts I reproduce in the following paragraphs. Because much of what Canada, COO, NAN, the First Nations Child and Family Caring Society of Canada (“**Caring Society**”), and the AFN have said about the NCCC’s role in this process relates to events that occurred after I affirmed my first affidavit, I reply to some of their statements below.

18. COO and NAN make several references to the NCCC’s engagement in relation to the Loving Justice Plan. For example, at paragraph 11 of their Responding Factum, COO and NAN state, “[t]he NCCC consulted and collaborated closely with the AFN and the Caring Society in creating the Loving Justice Plan and publicly supports its content.” At paragraph 31, they state,

“[t]he Caring Society successfully consulted with the NCCC and together with the AFN developed and filed the Loving Justice Plan.”

19. In its February 4, 2026 letter to the Tribunal, the Caring Society states, “[t]he Caring Society, the NCCC and AFN successfully collaborated to deliver the Loving Justice Plan on December 22, 2025, pursuant to 2025 CHRT 80, such that the Tribunal can have confidence that these parties will be able to collaborate to ensure that there is no duplication with respect to proceedings going forward in this complaint.”

20. In its Responding Written Submissions, the AFN makes several references to the NCCC’s involvement in the process leading to the Loving Justice Plan, including:

- a. Paragraph 2: “[t]he [NCCC] … has conducted extensive consultations with First Nations and other stakeholders, to support the development of the Loving Justice Plan.”
- b. Paragraph 14: “[t]he NCCC played an important role in conducting regional engagements on behalf of the complainants, pursuant to the direction it received from First Nations-in-Assembly.”
- c. Paragraph 16: “[t]he importance of these engagements should not be understated. The feedback received by the NCCC from First Nations and other stakeholders through dozens of written submissions were important in shaping both the direction and scope of the Loving Justice Plan.”
- d. Paragraph 17: “Although the NCCC and AFN have, in the past, held differing views on certain items, the relationship has changed significantly in recent months. This is perhaps best evidenced by the manner in which the NCCC’s work was integrated into

the AFN and Caring Society's jointly submitted long-term reform plan – the Loving Justice Plan.”

21. The AFN's affiant—CEO Andrew Bisson—also refers to the NCCC's engagement several times throughout his affidavit, including at paragraphs 21 to 26. In particular, he states at paragraph 25, “I wish to reiterate my praise for the NCCC for their leadership in conducting engagement and making the Loving Justice Plan a reality.” I likewise wish to express my gratitude to the AFN, the Caring Society, and their incredibly hard-working staff for the privilege of collaborating with them in preparing the Loving Justice Plan. On behalf of the NCCC, it has been an honour and a privilege to have played a part in advancing this work for our children.

22. In reply to the above statements, I highlight several passages from the Loving Justice Plan itself that help illuminate the role the NCCC played in its preparation. At page 8, the Loving Justice Plan states:

The [NCCC] and the [Caring Society] engaged with First Nations leaders and Rights Holders, Elders, youth and First Nations Child and Family Service [(“FNCFS”)] experts to gather their perspectives on the components of this Plan. The “What We Heard” sections that follow provide summaries and illustrative quotations of the feedback shared during those engagements.

Throughout its process, the Loving Justice Plan demonstrates the love that First Nations have for their children, youth and families. There was no funding for this process, yet First Nations governments and their experts joined with the [NCCC] and the Co-Complainants (the Caring Society and the [AFN]) to ensure the voices of Rights Holders are respected and the rights of their children, youth and families are upheld.

23. In the “What We Heard” section under the “Governance” heading, the Loving Justice Plan states at page 39:

Participants expressed widespread support for the [NCCC] to play a key role in governance. Some participants cautioned against allowing the NCCC to replace the decision-making authority of Rights Holders. Indeed, the structure of the NCCC (i.e., regionally representative, accountable to communities, focused on child and family well-being) leaves it well-positioned to stand as the main oversight body and to serve as the link between national reform and regional and community realities.³

“The NCCC should serve as the core accountability, oversight, and reform body responsible for ensuring that Canada meets its legal obligations under CHRT 80 and implements the principle of substantive equality.”

“The NCCC is dedicated to the best interests of the child and should remain a central partner.”

“NCCC should lead the role in governance long-term, reporting to the FN rights holders.”

“The [NCCC] has an important role but it must be understood carefully and respectfully within the broader landscape of self-determination. Their role should not replace or overshadow the authority of individual First Nations Rights Holders. Instead, their responsibility should be to support, amplify, and protect the direction that Nations set for themselves.” ...

³ To note: The NCCC does not have an ongoing mandate to participate in governance; however, the NCCC can seek that mandate or serve as a transitional body and as a model for a newly-constituted national oversight body.

A copy of the Loving Justice Plan is attached as **Exhibit “H”**.

24. At paragraph 40 of its Written Submissions, Canada states, “the Caring Society filed the Loving Justice plan on December 22, 2025 ‘on behalf of’ the AFN and with the NCCC’s endorsement.” To support that statement, Canada cites at footnote 63 of its Written Submissions a December 22, 2025 letter I wrote on behalf of the NCCC to Dr. Cindy Blackstock. Canada also cites this letter at footnotes 62 and 72 of its Written Submissions. For completeness, the body of

that letter—in which I summarize the NCCC’s contributions to the Loving Justice Plan, its engagement efforts, and its coordination efforts with AFN and the Caring Society, including after the date I affirmed by first affidavit—is reproduced in its entirety as follows:

I am thinking of my grandson, Quill, as I write this. He was also on my mind in October of last year when I made the difficult decision to vote against Canada’s proposed final settlement agreement. I know the other Chiefs in the room that day also held special little ones in their hearts when we decided collectively that the proposed agreement would not end Canada’s systemic discrimination and was not good enough for our children.

In the aftermath of that decision, my fellow Commissioners and I accepted a heavy responsibility to form a [NCCC]—as mandated by the First Nations-in-Assembly—and deliver a stronger resolution to the Human Rights complaint that you initiated all those years ago. None of us have undertaken this work lightly, and all of us have been deeply concerned about the consequences of failure—consequences that would fall heavily on our children. Our concern grew as Canada repeatedly refused to negotiate a new agreement or to engage with the Commission in any meaningful way.

In August, 2025 CHRT 80 provided a strong pathway forward uncoupled from Canada’s willingness—or lack thereof—to work with the Commission. We quickly sought, and were granted, an expanded mandate from the First Nations-in-Assembly to work with you and your team at the Caring Society to consult with our Nations and build a plan to end Canada’s discrimination in First Nations Child & Family Services.

Our technical team immediately got to work with you and your team to design and implement an engagement strategy. Together, we launched the regional engagements on October 1 and concluded them on November 14. During the engagement period, you and the Commission’s technical team supported in-person and virtual engagement sessions with First Nations leaders and Rights Holders and with FNCFS experts in Prince Edward Island [(“PEI”), New Brunswick, Quebec, Manitoba, Saskatchewan, Alberta, British Columbia, the Yukon, and the Northwest Territories. We also welcomed submissions directly through the Commission’s website. This work generated a total of 105 submissions, 64 of which were group submissions representing input from up to 90 leaders, Rights Holders and experts.

It is my understanding that, in parallel with the engagement work, you and your team were drafting the Plan, based on the research, legal orders and expert input accumulated since the start of (and even before) this Human Rights process. As the engagement work neared completion, you shared drafts of the Plan with the Commission's technical team. Our team worked closely with you and your team to edit, re-draft, and contribute new material based on their own expertise and on the input gathered through the regional engagements.

This morning, the Commission met for a final discussion prior to the submission of the Plan. As a Commission, we have reviewed the Plan and have taken advice from our technical team. We strongly support this Plan and have passed a motion by consensus to send you this letter supporting your submission to the ... Tribunal today.

There is one notable area where both the engagement input and our position as a Commission reach beyond the Plan. This concerns our children and families who live off-reserve and in the Northwest Territories. As Commissioners, we understand there are limits on the Tribunal's jurisdiction in this matter. As Chiefs, however, we love and are responsible for our children and families wherever they reside. We embrace the Tribunal's decision affirming that Jordan's Principle eligibility to all our children, regardless of residency and we have seen meaningful changes in the lives of our children as a result of that decision.

We heard very clearly from leaders, Rights Holders and experts across all regions that the on/off-reserve distinction is itself grounded in systemic discrimination and inequality. The lack of housing and services on-reserve drives so many of our families away from our communities: nearly three-quarters of all First Nations people live off-reserve or in the Northwest Territories, where they are ineligible for the services Canada is required to provide on-reserve. In establishing the reserves, Canada broke numerous treaty agreements. The courts have recognized Canada's dishonourable conduct in this regard and have ordered Canada to pay compensation to purchase new lands. Yet Canada continues to rely on the Indian Act limitation of ordinarily resident on-reserve to deny services to our children and families. The Commission does not accept the Indian Act's narrow understanding of First Nations or reserves—and neither should the Tribunal. We must pursue every avenue to achieve a world where children matter more than reserve boundaries.

The Plan you will submit to the Tribunal today is built on love for our children and respect for their rights. I can share this work proudly with my grandson because it promises to deliver Loving Justice to our children who have endured Canada's discrimination. All our children, wherever they reside, deserve that justice.

A copy of my letter to Dr. Blackstock, dated December 22, 2025, is attached as **Exhibit “I”**.

III. The Experience of the NCCC Commissioners, Technicians, and Negotiators

25. At paragraphs 4, 28, and 33 of their Responding Factum, COO and NAN state “[t]he NCCC has no expertise in these proceedings,” “does not have … regional expertise,” and “has professed no unique expertise in Jordan’s Principle.” In reply, the following provides an overview of the broad expertise and experience of the NCCC Commissioners, members of the NCCC technical team, and members of the NCCC negotiation team—both on a Canada-wide and region-by-region level. I am not providing this overview for the purpose of tendering anyone as an expert witness, but rather to highlight the capacity of the NCCC—as a whole—to contribute to the remedial phase of this proceeding.

26. Since the inception of the NCCC, I have had the privilege of getting to know many of these individuals and working closely with them as we advance the mandate of the NCCC. I have relied on their leadership and technical advice during our weekly meetings. I have also reviewed the Commissioners’ biographies posted on our website. The texts of the Commissioners’ biographies posted on the NCCC website are reproduced in the attached **Exhibit “J”**. As the website is in the process of being updated, several biographies included below have yet to be posted. To the extent that the information included below is not reflected in the biographies at Exhibit “J”, it has been communicated to me by the individual and I verily believe that information to be true.

A. The NCCC Commissioners

27. In this section, I summarize the NCCC Commissioners' experience. Table 1, below, provides an overview to help frame this discussion:

Table 1: Summary of NCCC Commissioners' Experience

Region	Commissioner	Summary of Experience
Yukon	Chief Pauline Frost	Chief of Vuntut Gwitchin. Former Yukon Minister of Health, Social Services, and Environment. Negotiated the Strategic Alliance Agreement on health delivery and Indigenous Child Welfare. Over 30 years of experience in strategic planning and financial oversight for complex organizations.
Manitoba	Chief David Monias	Chief of Pimicikamak Okimawin Cree Nation. Holds a Master's degree with professional training in leadership and management. Served in senior management roles within FNCFS throughout his career.
Saskatchewan	Chief Erica Beaudin	Chief of Cowessess First Nation, the first to enact its own rights-based child and family well-being law. Expertise in urban service delivery and addressing structural drivers like housing.
Alberta	Chief Kelsey Jacko	Chief of Cold Lake First Nations and Sixties Scoop survivor. Chief Jacko has a heightened awareness of the logistical barriers facing remote communities and accounting for children in care during disasters.
New Brunswick	Chief Rebecca Knockwood	Chief of Amlamgog First Nation and Co-Chair of Mi'kmaq Child and Family Services of New Brunswick. Serves on the Advisory Board for Violence Against Aboriginal Women.
British Columbia	Kukpi7 Helen Henderson	Chief of Tsq̓es̓cen First Nation and fluent Secwepemctsin speaker. Led the development and ratification of the Tk̓wenm7íple7tens re Kíkwe (child well-being law).
Quebec	Chief Vicky Chief	Chief of Timiskaming First Nation. Expert advocate for self-determination and sustainable, needs-based fiscal agreements for First Nations.

Nova Scotia	Chief Leroy Denny	Chief of Eskasoni First Nation and child/family portfolio-holder for the Assembly of Mi'kmaq Chiefs in Nova Scotia. Expertise in sectoral self-government and Mi'kmaw education.
Northwest Territories	Stephen Kakfwi	Former Premier of the Northwest Territories and past President of the Dene Nation. Residential school survivor with 16 years of cabinet-level governance experience.
PEI	Chief Tabatha Bernard	Chief of Lennox Island First Nation. Chief Bernard spent 17 years in a leadership role with the Mi'kmaw Confederacy of PEI. Serves on the Epekwitk Assembly of Councils Inc.
Newfoundland	Chief Brad Benoit	Chief of Miawpukek Mi'kamawey Mawi'omi. He is actively engaged in integrating Mi'kmaw language, art and cultural safety into provincial public institutions, as well as social, child and family services delivery in Newfoundland.

i. The Yukon Region

28. As I noted at paragraphs 5 and 35 of my first affidavit, I am the NCCC Commissioner for the Yukon Region. I am also NCCC Chair. I provided a high-level overview of my experience at paragraphs 1 to 5 of my first affidavit. The text of my biography posted on the NCCC's website is included in the attached Exhibit "J".

ii. The Manitoba Region

29. The NCCC Commissioner for the Manitoba region is Chief David Monias of Pimicikamak Okimawin Cree Nation. Chief Monias is a survivor of the Federal Indian Day School systems. He holds a Master's degree and has extensive professional training in leadership and management. He served in senior management roles within FNCS throughout his career. He also has experience working in public finance, in particular in government departments. The text of Chief Monias' biography posted on the NCCC's website is included in the attached Exhibit "J".

30. The alternate NCCC Commissioner for the Manitoba region is Chief Angela Levasseur of Nisichawayasihk Cree Nation (“NCN”). Chief Levasseur is the first female Chief of NCN, elected in August 2022. Chief Levasseur holds a Juris Doctor degree with a certificate in Native Law and Sovereignty, a Bachelor of Arts degree, a Bachelor of Education degree, and a Post-Baccalaureate Diploma in Education. Chief Levasseur served as an educator for more than twenty years. She worked as a project coordinator and researcher with Manitoba Keewatinowi Okimakanak for their Missing and Murdered Indigenous Women and Girls Liaison Unit, and also served as the Executive Director of NCN Human Resources and board member for NCN Personal Care Home for a decade.

iii. The Saskatchewan Region

31. The NCCC Commissioner for the Saskatchewan region is Chief Erica Beaudin of Cowessess First Nation—the first First Nation to enact its own rights-based child and family well-being law and conclude a child and family services coordination agreement with Canada pursuant to an *Act Respecting First Nations, Inuit and Metis Children Youth and Families*, SC 2019 c 24 (the “FNIMCYF Act”).

32. Chief Beaudin was previously the Executive Director of Regina Treaty/Status Indian Services, where she worked to establish emergency shelters and subsidized housing. She has a background in Women/Gender Studies and Indigenous Communication. Her expertise in urban First Nations service delivery and housing directly relates to structural drivers that must be addressed by long term reform of FNCFS. The text of Chief Beaudin’s biography posted on the NCCC’s website is included in the attached Exhibit “J”.

33. The alternate NCCC Commissioner for the Saskatchewan region is Chief Crystal Okemow of Lucky Man Cree Nation. Chief Okemow has served her Nation in Health Administration and

water monitoring capacities for over twenty years. For the past three years, she has been the Board Chair for the Child and Family Center and the Health Center for Lucky Man Cree Nation. The text of Chief Okemow's biography posted on the NCCC's website is included in the attached Exhibit "J".

iv. The Alberta Region

34. The NCCC Commissioner for the Alberta region is Chief Kelsey Jacko of Łue Chok Tué (i.e., Cold Lake First Nations). He is a Sixties Scoop survivor. Łue Chok Tué experienced a collapse of their economy when Canada established the Cold Lake Air Weapons Range, which significantly undercut the ability of their families to care for their children. Chief Jacko regularly attends court proceedings to support the Nations' children and families.

35. Under Chief Jacko's leadership, Łue Chok Tué is now the second largest employer in the region. Chief Jacko is a member of the board of the First Nations Major Projects Coalition. He brings acute knowledge of the logistical barriers facing remote communities, particularly during crises such as wildfire evacuations, and the compounding factors of ensuring children in care are accounted for during these events. The text of Chief Jacko's biography posted on the NCCC's website is included in the attached Exhibit "J".

36. The alternate NCCC Commissioner for the Alberta region is Chief Desmond G. Bull of the Louis Bull Tribe, one of the initial First Nations to conclude a child and family services coordination agreement with Canada consistent with the FNIMCYF Act. The text of Chief Bull's biography posted on the NCCC's website is included in the attached Exhibit "J".

v. *The New Brunswick Region*

37. The NCCC Commissioner for the New Brunswick region is Chief Rebecca Knockwood of Amlamgog (i.e., Fort Folly First Nation). She was first elected in 2013 after serving five consecutive terms as a Councillor. She oversees Education and Fisheries in Amlamgog, focusing on economic and social advancement.

38. Chief Knockwood is one of the co-chairs of Mi'kmaq Child and Family Services of New Brunswick, a not-for-profit child and family well-being organization serving six Mi'kmaq communities in New Brunswick: Oinpegitjoig (Pabineau) First Nation, Natoaganeg (Eel Ground) First Nation, Metepenagiag (Red Bank) Mi'kmaq Nation, L'nui Menikuk (Indian Island) First Nation, Tjipōgtōtjg (Buctouche) First Nation, and Amlamgog First Nation. She is also Co-Chair of Mi'gmaq United Investment Network, which promotes economic opportunities for Mi'gmaq communities, and Mi'gmawē'l Tplu'taqnn Inc., which works on consultation and rights assertion for eight Mi'kmaq First Nations in New Brunswick. Chief Knockwood also serves on the Advisory Board for Violence Against Aboriginal Women in New Brunswick, helping implement the Calls for Justice from the Missing and Murdered Indigenous Women and Girls Inquiry. The text of Chief Knockwood's biography posted on the NCCC's website is included in the attached Exhibit "J".

39. The alternate NCCC Commissioner for the New Brunswick region is Chief Ross Perley of Neqotkuk (Tobique) First Nation. Neqotkuk First Nation has been delivering child and family services since 1984. They are the first First Nation in Atlantic Canada to finalize a child and family well-being law and to provide coordination agreement notice to Canada under the FNIMCYF Act. Neqotkuk First Nation is the largest remaining community of Wolastoqey language speakers. They

are fundamentally dedicated to protecting, preserving, and advancing the Wolastoqey language, notably in their Neqotkuk child and family well-being law.

vi. The British Columbia Region

40. The NCCC Commissioner for the British Columbia region is Kukpi7 Helen Henderson of Tsq̓es̓ce̓n First Nation. Kukpi7 Henderson supported the development and ratification of her Nation’s child well-being law—T’kwenm7íple7tens re Kíkwe—Law of the Valerian Plant. She has experience working as self-government coordinator for Canim Lake Band and as a serving board member for the Indigenous Child and Family Services agency, Knuckwentwecw Society. Kukpi7 Henderson is a fluent Secwepemctsín speaker.

41. The alternate Commissioner for British Columbia and NCCC Co-Chair is Debra Foxcroft of Tseshah First Nation. She is the recipient of the Order of British Columbia, recognized for over thirty years of advocacy for First Nations health and family wellness. Commissioner Foxcroft is the first female president elected to Nuu-chah-nulth Tribal Council, where she served a four-year term supporting the fourteen First Nations on the west coast of Vancouver Island. Commissioner Foxcroft is also the founding executive director of Usma Nuu-chah-nulth Child and Family Services, one of the initial First Nations child and family agencies in British Columbia. She advocated for systemic change within the provincial government as an Assistant Deputy Minister for the Ministry of Children & Family Development, and is a founding board member for the Caring for First Nations Children Society, the British Columbia Aboriginal Child Care Society, and the National Indian Child Welfare Association Board.

vii. The Quebec Region

42. The Commissioner on the NCCC for the Quebec region is Chief Vicky Chief of Timiskaming First Nation. Chief Vicky Chief was elected as Chief in December 2023, after terms as both Vice Chief and Councillor. In her governance role, Chief Vicky Chief oversees the Timiskaming First Nation Health & Wellness Centre, an integrated model where FNCFS are housed directly in the Nations' wellness facility. Additionally, Chief Vicky Chief is an active member of the Algonquin Anishinabeg Nation Tribal Council, and the Assembly of First Nations Quebec-Labrador. She is a strong advocate on First Nations' rights issues, including recognition and protection for the inherent and Aboriginal rights of her people, their cultural continuity, connection to traditional territory and resiliency to climate change-related issues.

viii. The Nova Scotia Region

43. The Commissioner on the NCCC for the Nova Scotia region is Chief Leroy Denny of Eskasoni First Nation. Chief Denny is also the child and family portfolio-holder for the Assembly of Mi'kmaq Chiefs in Nova Scotia. Chief Denny's background is in education. He has an honorary doctorate from Cape Breton University, as well as a Bachelor of Education and a Master of Education from St. Francis Xavier University. Chief Denny is on the board of the Mi'kmaw educational authority, Mi'kmaw Kina'matnewey, which has achieved demonstrable success with improving the high school graduation rates for Mi'kmaw youth. He is a fluent Mi'kmaw language speaker and an advocate for the preservation and revitalization of Mi'kmaw language and culture. Chief Denny is also a proponent of empowering children and youth through sports and served as the Chair of the 2023 North American Indigenous Games Host Society.

44. The alternate NCCC Commissioner for the Nova Scotia region is Shelly Martin of Millbrook First Nation. She is a senior Mi'kmaw lawyer and historian that currently serves as the Director of Governance for the Confederacy of Mainland Mi'kmaq where she oversees governance development for eight Mi'kmaw First Nations. She holds a Bachelor of Laws degree, a Master of Arts in History, and a Bachelor of Arts (Honours). She was the first Mi'kmaw lawyer to swear her oath of admission to the Nova Scotia Barristers' Society in both the Mi'kmaw and English languages. Alternate Commissioner Martin is a former Adjudicator of the Small Claims Court of Nova Scotia, being the first Mi'kmaw woman appointed in that capacity. She also serves on the AFN Chiefs' Committee on Justice and as the Mi'kmaw co-chair of the Nova Scotia-Canada-Mi'kmaq Tripartite Forum's Justice Committee.

ix. The Northwest Territories Region

45. The NCCC Commissioner for the Northwest Territories region is Stephen Kakfwi of the Dene Nation. Commissioner Kakfwi was born in 1950 in a traditional Dene bush camp at Fort Good Hope, Northwest Territories. At an early age, Commissioner Kakfwi was sent away to residential schools in Inuvik, Yellowknife, and Fort Smith. During the 1970s, he attended the University of Alberta to complete a teacher's degree, but returned to Fort Good Hope when many Aboriginal Canadians were beginning to organize politically to demand recognition of their land and self-government rights. In the 1970s, Commissioner Kakfwi advocated against the proposed Mackenzie Valley Pipeline given the danger it posed to his homeland.

46. Commissioner Kakfwi is the former President of the Dene Nation where he established the Northwest Territories Dene Cultural Institute and Indigenous Survival International. He represented his people as a Member of the Legislative Assembly of the Northwest Territories for

sixteen years, including a three-year term as Premier. His sixteen-year tenure in the cabinet of the Northwest Territories is the longest in the Territories' history.

x. The PEI Region

47. The NCCC Commissioner for the PEI Region is Chief Tabatha Bernard of Lennox Island First Nation. Prior to her election as Chief, she worked for the Lennox Island Band Council and spent 17 years in a leadership role with the Mi'kmaq Confederacy of PEI. Chief Bernard is a strong advocate for the proper implementation of Jordan's Principle and for ensuring access to services for all community members including those who live off-reserve. Chief Bernard also serves on the Epekwitk Assembly of Councils Inc., a joint governance forum that protects Mi'kmaq constitutional rights and delivers social programs (including child and family services) to the PEI First Nations.

xi. The Newfoundland Region

48. The NCCC Commissioner for the Newfoundland region is Chief Brad Benoit of Miawpukek Mi'kamawey Mawi'omi First Nation. Chief Benoit was elected Chief of Miawpukek Mi'kamawey Mawi'omi in 2024, having previously served as a Councillor. He prioritized the enhancement of Miawpukek Mi'kamawey Mawi'omi's community safety and infrastructure, including overseeing capital and infrastructure development to improve emergency response capabilities for Miawpukek Mi'kamawey Mawi'omi. Chief Benoit is actively engaged in intergovernmental relations aiming to promote Mi'kmaw culture and health and collaborating with the provincial health authorities to further integrate Mi'kmaw language, art and cultural safety into provincial public institutions.

49. The alternate NCCC Commissioner for Newfoundland is Chief Jenny Brake of Qalipu First Nation. Chief Brake was elected as Qalipu First Nation Western Vice-Chief in 2021 and elected as Chief in 2024. She serves on the Newfoundland and Labrador Provincial Indigenous Women's Steering Committee, and on a national level at the AFN Chief's Committee on Charter Renewal as well as the AFN Fisheries Committee. She is an ambassador with the Canadian Seals and Sealing Network and also sits on the Newfoundland and Labrador's Royal Canadian Mounted Police Commanding Officer's Indigenous Advisory Committee. The text of Chief Brake's biography posted on the NCCC's website is included in the attached Exhibit "J".

B. The NCCC Technical Team

50. The NCCC is also comprised of a technical team, which supports the NCCC Commissioners and the work of the NCCC as a whole. Table 2, below, provides an overview of the experience of each member of the NCCC technical team:

Table 2: Summary of NCCC Technical Team

Region	Technical Advisor	Summary of Experience
Yukon	Shadelle Chambers	Executive Director of Family Preservation Services at the Council of Yukon First Nations.
Manitoba	Colin Kinsella	25+ years in the field of child & family services, including as a policy analyst, program manager, and (currently) the Acting Director of the Family First Nation Secretariat.
	Tolulope Stephen Odupe	Senior Policy Analyst at the Southern First Nations Network of Care after 15 years of legal and policy experience. Common law lawyer, trained in Nigeria, set to be called to the Bar in Nova Scotia in April 2026.

Saskatchewan	Iskwew kapaw apih Musqua	Director of Child Welfare and Social Development at the Federation of Sovereign Indigenous Nations (“FSIN”) which represents 74 First Nations. 26+ years of experience in policing with the Regina Police Service, the Royal Canadian Mounted Police. 16 years served as an operational police officer, acting detachment commander, and 4.5 years with Indigenous Police Service.
	Charmaine Payakutch	Director of Jordan’s Principle for FSIN. Oversees administration and coordination of Jordan’s Principle. Expertise provides the NCCC with evidence on the impacts of recent federal policy changes on services for children and families on the ground.
	Shane Henry	PhD with over 15 years of experience as an Indigenous policy and governance professional advancing First Nations Jurisdiction across child welfare, education, and institutional development. Facilitated and supported community consultations and engagement across western Canada. Brings advanced research and data analysis skills.
Alberta	Kim Warnke	Over two decades of public engagement on government policy in community, municipal, provincial, and First Nations settings. Graduate degree in Public Policy.
	Sam Hull	Registered social worker, currently the Child and Family Services Lead for the Confederacy of Treaty Six Nations. Lived experience with the Alberta Child and Family Services system.
New Brunswick	Marci Osmond	Director of Policy, Mi'gmaq Child and Family Services of New Brunswick Inc. Former Director and Negotiator within the Province of New Brunswick, Social Development and Aboriginal Affairs Secretariat, as the lead on intergovernmental forums and agreements related to First Nations matters.

	Judy Levi	38 years as a Registered Social Worker in New Brunswick, and a member in good standing with the New Brunswick Association of Social Workers. Worked two years in addictions and the rest in child welfare, as a tripartite coordinator and a consultant.
	Roy Stewart	Lawyer, partner at Burchell Wickwire Bryson LLP, and a member of their Indigenous Peoples practice group, representing Indigenous clients at all levels of court in New Brunswick and Nova Scotia. Represented Indigenous organizations at provincial and national commissions of inquiry, including the National Inquiry into Missing and Murdered Indigenous Women and Girls.
British Columbia	Mary Teegee	Chief Administration Officer, Carrier Sekani Child and Family Services. British Columbia representative on the National Advisory Council on FNCFS Reform.
	Landon Wagner	Policy Analyst with the British Columbia Assembly of First Nations (“BCAFN”), advising the Regional Chief, senior BCAFN staff, and British Columbia Chiefs and Leaders on matters relevant to FNCFS and other portfolio areas. Former Family Services Associate at Ronald McDonald House Charities Saskatchewan supporting families making Jordan’s Principle claims and navigating FNCFS system. BA and MA in Political Studies.
	Judy Wilson	Former Chief, and a Knowledge Holder with 25 years of political leadership for First Nations whose grounding in Ceremony has assisted the NCCC along their journey. Previously Child & Family Executive Political lead for the Union of British Columbia Indian Chiefs and sat at the British Columbia Region Provincial & Federal Tripartite Child & Family table.
	Tracy Lavin	PhD and Post-Doctorate in developmental psychology with over 20 years of experience in research, policy analysis, and program evaluation in education and FNCFS. Helped established Our Children Our Way, where she is the Manager of Policy, Research and Engagement.

Quebec	Richard Gray	Registered social worker and Manager of Social Services at the First Nations of Quebec and Labrador Health and Social Services Commission. Quebec representative on the National Advisory Council on FNCFS Reform.
Northwest Territories	Leanne Goose	Researcher on Dene law, protocols, values, and principles, leading initiatives in communications, engagements, data governance, and sovereignty. Strategic and political advisor to the Dene Nation.
	Tyler Dempsey	Government Relations & Policy Specialist with over a decade of experience in child welfare and policy advocacy. Secured multi-million-dollar funding agreements and led high-profile initiatives aimed at improving child welfare outcomes. BA (Hons.), diploma in Early Childhood Education, professional negotiations certificate from Harvard Business School.
PEI	Kateri Coade	Executive director of the Mi'kmaq Confederacy of PEI, responsible for multiple portfolios including justice and child & family services.
	Justin Milne	Lawyer called to the bar in PEI in 2016. Range of experiences in child protection and human rights matters. Argued cases on these topics at all levels of court in PEI. Teaches a Bar Admission Course on the FNIMCYF Act. Lawyer for Mi'kmaq Confederacy of PEI's Child and Family Services Program.
Newfoundland	Ada John	Director of Conne River Health and Social Services, responsible for overseeing the design and delivery of integrated social services, including protection and prevention FNCFS and Jordan's Principle, as well as mental health and addictions.
	Angelina Amaral	Mi'kmaw lawyer for Miawpukek. Technical and legal lead for Miawpukek's own child and family services law. Previously chaired the Nova Scotia Barrister's Society's Truth and Reconciliation Committee.

C. The NCCC Negotiation Team

51. The NCCC also has a negotiation team. Table 3, below, provides an overview of the experience of each member of the NCCC negotiation team:

Table 3: Summary of NCCC Negotiators' Experience		
Region	Negotiator	Summary of Experience
Manitoba	Raven-Dominique Gobeil	First Nations lawyer and senior counsel for the First Nations Family Advocacy Office. She holds a Juris Doctor and a Bachelor of Arts in Native Studies and Labour Studies from the University of Manitoba. Her legal practice focuses on child protection, Indigenous governance, systemic reform and assisting First Nations with the development of their child welfare laws. Her advocacy is deeply informed by her own lived experience within the child welfare system and her role as a kinship caregiver for her siblings.
New Brunswick	Neil Perley	Over 15 years of experience in senior management positions with child and family services in Neqotkuk (Tobique) First Nation, New Brunswick. He holds a B.Sc. in Chemistry and an MBA, and is completing his fourth and final year of a Bachelor of Social Work. He currently serves as lead negotiator for Neqotkuk First Nation's coordination agreement discussions regarding their child welfare legislation with the federal and provincial governments. He is the former director of operations and band manager for Neqotkuk First Nation. He has been with the NCCC since its inception.
British Columbia	Khelsilem	Leader in Indigenous governance and the former Chairperson of the Squamish Nation. He is recognized for his ability to navigate complex intergovernmental negotiations in sectors such as forestry, housing, and rights recognition. He played a key role in the AFN resolutions that constituted the NCCC, focusing on long-term strategies to address systemic inequities. His track record involves forging robust agreements that align municipal and federal governance with Indigenous jurisdiction. He is dedicated to ensuring diverse and regional voices remain at the forefront of decision-making.

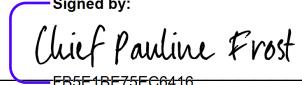
Quebec	Richard Gray	Listuguj Mi'gmaq social worker (BSW) with extensive operational leadership experience. He served as the Director of Social Services for the Listuguj Mi'gmaq Government for seven years and as an elected Band Councillor and Chief Negotiator for the Nation. He currently serves as the Social Services Manager at the First Nations of Quebec and Labrador Health and Social Services Commission (10+ years). His expertise combines frontline social work with high-level political and negotiation experience. He provides direct technical support to the NCCC Commissioner for Quebec as well as to the AFN Portfolio Holder for child and family.
Newfoundland	Shayne MacDonald, KC	Mi'kmaw lawyer with over 30 years of experience. He holds an MBA, LLB, and BA in Political Science. He has served multiple terms as Chief, Vice Chief, and Councillor of Miawpukek First Nation. He helped establish Miawpukek's protection and prevention programs and possesses extensive technical knowledge of Jordan's Principle. Served as Director of Justice for Miawpukek for over two decades (1993–2021) and currently leads the Mi'kmaq Alsumk Mowimsikik Koqoey Association. He also acts as Chairperson for major regional assessments, demonstrating capability in managing complex, multi-stakeholder regulatory files.

52. I want to close by acknowledging the herculean efforts of these individuals—and many more—that made the Loving Justice Plan possible. I thank you. Our children thank you. Mahsi' choo.

AFFIRMED remotely via video teleconference by Chief Pauline Frost at Ottawa, Ontario, before me at Northside East Bay, Nova Scotia, on this 12th day of February 2026.

Signed by:

LIAM SMITH
A Barrister of the Supreme Court of Nova Scotia and a Notary Public in and for the Province of Nova Scotia

Signed by:

CHIEF PAULINE FROST
FB5E18E75EC06410...

This is Exhibit "A" of the Affidavit of Chief Pauline Frost, affirmed remotely by video teleconference by Chief Pauline Frost at Ottawa, Ontario, before me at Northside East Bay, Nova Scotia, on this 12th day of February, 2026.

Signed by:

A handwritten signature in black ink, enclosed in a blue rectangular box. The signature appears to read "Liam Smith".

64F1E9A704D443F...

A Commissioner for taking affidavits

LIAM SMITH

Alex DeParde
 Direct: 416.865.3080
 E-mail: aeparde@airdberlis.com

November 21, 2025

VIA EMAIL: registry.office@chrt-tcdp.gc.ca

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

Dear Registry and Tribunal:

Re: *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)*

We write as co-counsel for the National Children's Chiefs Commission ("NCCC"), which today filed a Notice of Motion for interested party status under Rule 8 of the "old" *Canadian Human Rights Tribunal Rules of Procedure* (03-05-04) in the above-captioned proceeding. The Notice of Motion was filed with the Affidavit of Chief Pauline Frost, affirmed November 20, 2025.

We have also prepared draft written submissions, but have refrained from filing them pending further direction from this Tribunal under Rule 3(2) in relation to responding evidence, cross-examinations, and responding written submissions.

We understand the next case conference is scheduled for November 27, 2025. Subject to this Tribunal's direction, we propose to attend on behalf of the NCCC to speak to the procedure and timetable for the NCCC's motion for interested party status. If this would be acceptable to the Tribunal, we would be grateful to receive coordinates for the case conference.

Thank you in advance for your attention to this matter. Please do not hesitate to contact me should you have any questions or require additional information.

Yours truly,

AIRD & BERLIS LLP



Alexander DeParde
 Partner

cc. Scott A. Smith, *Co-Counsel for the Proposed Interested Party, NCCC*

Liam Smith & Tuma Young, KC, NWT, IPC, *Co-Counsel for the Proposed Interested Party, NCCC*

Peter Mantas, *Counsel for the Co-Complainant, Assembly of First Nations*

November 21, 2025

Page 2

David Taylor and Sarah Clarke, *Counsel for the Co-Complainant, First Nations Child and Family Caring Society*

Paul Vickery, Dayna Anderson, Kevin Staska, Sarah Bird, Jon Khan, Alicia Dueck-Read, Aman Owais, Meg Jones and Sarah-Dawn Norris, *Counsel for the Respondent, Attorney General of Canada*

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

Maggie Wente, Ashley Ash, Katelyn Johnstone and Jessie Stirling, *Counsel for the Interested Party, Chiefs of Ontario*

Julian Falconer, Asha James, Shelby Percival and Meaghan Daniel, *Counsel for the Interested Party, Nishnawbe Aski Nation*

Justin Safayeni and Stephen Aylward, *Counsel for the Interested Party, Amnesty International*

This is Exhibit "B" of the Affidavit of Chief Pauline Frost, affirmed remotely by video teleconference by Chief Pauline Frost at Ottawa, Ontario, before me at Northside East Bay, Nova Scotia, on this 12th day of February, 2026.

Signed by:



84F1E9A704D443F...

A Commissioner for taking affidavits

LIAM SMITH

Mary Arulnesan

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: December 17, 2025 11:13 AM
To: Liam Smith; Mary Arulnesan
Cc: 'David Taylor'; Sarah Clarke; Robin McLeod; Kiana Saint-Macary; Peter Mantas; Clive Ngan; gcyr@fasken.com; 'tsun@fasken.com'; 'Anshumala.Juyal@chrc-ccdp.gc.ca'; khizer.pervez@chrc-ccdp.gc.ca; 'Vickery, Paul'; 'Norris, Sarah-Dawn'; 'Jones, Meg'; 'Anderson, Dayna (she; her | elle; la)'; 'Staska, Kevin'; Bird, Sarah (she her elle la); Khan, Jon; Dueck-Read, Alicia (she her elle la); Aman.Owais@justice.gc.ca; Lupinacci, Adam (he him his il le lui); Maggie Wente; Benjamin Brookwell; 'Sinéad Dearman'; Jessie Stirling-Voss; Katelyn Johnstone; Ashley Ash; Jenna Rogers; 'julianf@falconers.ca'; Asha James; Shelby Percival; meaghand@falconers.ca; David Schwartz; Erin McMurray; Jordan Tully; 'justins@stockwoods.ca'; 'Stephen Aylward'; Spencer Bass; 'Jasmine Kaur'; Lloyd, Michelle (CHRC/CCDP); Darvill, Jillian (she; her | elle; la); Perrault-Werner, Alisia (she her elle la); Anderson, Jackie (she her elle la); Wong, Theresa (she her elle la); Adatia, Shireen (she her elle la); Moores, James (he him il lui); Lo, Mae Loraine (she her elle la)
Subject: NCCC Proposed Interested Party - First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)

Dear Counsel,

The Tribunal is mindful that the holiday period is fast approaching therefore, the NCCC may file their submissions of no longer than 15 pages at their earliest convenience. The Tribunal and the parties participated in a hearing this week and as you are aware, some parties are also preparing the National long-term reform plan outside Ontario. The parties are considering when would be the best time to respond to the NCCC's motion and will get back to the Tribunal shortly.

Thank you.

Judy Dubois
(she/her/elle)

Senior Registry Officer / CHRT Registry Services
On behalf of the Canadian Human Rights Tribunal
Administrative Tribunals Support Service of Canada / Government of Canada
judy.dubois@tribunal.gc.ca

Agente principale du greffe / Services du greffe du TCDP
Au nom du Tribunal canadien des droits de la personne
Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada
judy.dubois@tribunal.gc.ca

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: December 8, 2025 12:03 PM
To: 'Mary Arulnesan' <marulnesan@airdberlis.com>
Subject: RE: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008) - Proposed Interested Party, NCCC

Dear Ms. Arulnesan,

The Tribunal acknowledges receipt of your email below with attachments on November 21, 2025.

Unfortunately, due to an oversight it was not sent to the Panel members until this morning, December 8, 2025.

The Panel chair will advise the parties of the motion and discuss a schedule for the parties' submissions to respond to the motion. This will be done in case management at some time during the hearing period scheduled to take place from December 10-12, 2025. The Tribunal will advise the NCCC of the set schedule. The NCCC will have a right to reply to the parties' submissions on the motion.

Thank you.

Judy Dubois

(she/her/elle)

Senior Registry Officer / CHRT Registry Services

On behalf of the Canadian Human Rights Tribunal

Administrative Tribunals Support Service of Canada / Government of Canada

judy.dubois@tribunal.gc.ca

Agente principale du greffe / Services du greffe du TCDP

Au nom du Tribunal canadien des droits de la personne

Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada

judy.dubois@tribunal.gc.ca

From: Mary Arulnesan <marulnesan@airdberlis.com>

Sent: November 21, 2025 3:07 PM

To: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>

Subject: FW: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008) - Proposed Interested Party, NCCC

Good afternoon,

Please find attached the following documents for filing for Tribunal File No.: T1340/7008:

1. Notice of Motion for Interested Party Status;
2. Affidavit of Chief Frost, sworn November 20, 2025;
3. Affidavit of Service; and
4. Letter to the Tribunal dated November 21, 2025.

Kindly confirm receipt and advise if any further information or additional materials are required to complete filing.

Thank you,

Mary

Mary Arulnesan

Assistant to Alissa Saieva-Finnie, Ethan Guthro & Alex DeParde

T 416.863.1500 x2454

F 416.863.1515

E marulnesan@airdberlis.com

Aird & Berlis LLP | Lawyers

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This is Exhibit "C" of the Affidavit of Chief Pauline Frost, affirmed remotely by video teleconference by Chief Pauline Frost at Ottawa, Ontario, before me at Northside East Bay, Nova Scotia, on this 12th day of February, 2026.

Signed by:

A handwritten signature in black ink, appearing to read "Liam".

64F1E9A704D443F...

A Commissioner for taking affidavits

LIAM SMITH

Alex DeParde
 Direct: 416.865.3080
 E-mail: aedeparde@airdberlis.com

December 10, 2025

VIA EMAIL

Fasken Martineau DuMoulin LLP
 55 Metcalfe Street, Suite 1300
 Ottawa, ON K1P 6L5
 Attn.: Peter Mantas
pmantas@fasken.com

Clarke Child & Family Law
 950-36 Toronto St
 Toronto, ON M5C 2C5
 Attn.: Sarah Clarke
sarah@childandfamilylaw.ca

Department of Justice Canada
 50 O'Connor Street
 Ottawa, ON K1A 0H8
 Attn.: Paul Vickery
paul.vickery@justice.gc.ca

Stockwoods LLP
 77 King Street West, Suite 4130
 Toronto, ON M5K 1H1
 Attn.: Justin Safayeni
justins@stockwoods.ca

Conway Baxter Wilson LLP
 400-411 Roosevelt Avenue
 Ottawa, ON K2A 3X9
 Attn.: David Taylor
dtaylor@conwaylitigation.ca

Canadian Human Rights Commission
 344 Slater Street, 8th Floor
 Ottawa, ON K1A 1E1
 Attn.: Anshumala Juyal
anshumala.juyal@chrc-ccdp.gc.ca

Olthuis Kleer Townshend LLP
 250 University Avenue, 8th Floor
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 Attn.: Maggie Wente
mwente@oktlaw.com

Falconers LLP
 10 Alcorn Avenue, Suite 204
 Toronto, ON M4V 3A9
 Attn.: Julian Falconer
julianf@falconers.ca

Dear Counsel:

Re: *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada* (Tribunal File No.: T1340/7008)

We are co-counsel for the National Children's Chiefs Commission ("NCCC"). On November 21, 2025, the NCCC filed with the Canadian Human Rights Tribunal ("Tribunal"): (1) a Notice of Motion for interested party status; and (2) the Affidavit of Chief Frost, affirmed November 20, 2025. We advised the Tribunal that we had not filed our written submissions, pending further direction.

Under Rule 3(2) of the *Canadian Human Rights Tribunal Rules of Procedure* (03-05-04), upon receipt of the NCCC's Notice of Motion, the Tribunal shall make directions respecting procedure for the motion, including "the time, manner and form of any response" and "the making of argument and the presentation of evidence by all parties, including the time, manner and form thereof." We have not yet heard from the Tribunal respecting these matters, but we understand the Tribunal is considering them this week.

On Monday, December 15, 2025, we will write to the Tribunal further to Rule 3(2) to propose a procedure for the NCCC's motion for interested party status, including the filing of any responding affidavits, cross-examinations, and the filing of written submissions.

December 10, 2025

Page 2

To ensure our proposal reflects the requirements of this motion, we ask each party and interested party to advise whether it intends to (1) consent, oppose, or take no position on the NCCC's motion; (2) cross-examine Chief Frost on her affidavit; and (3) file responding evidence (along with anticipated timing for filing the same).

We would be grateful for your response by Friday, December 12, 2025.

Sincerely,

AIRD & BERLIS LLP



Alexander DeParde

Partner

cc. Scott A. Smith, *Co-Counsel for the Proposed Interested Party, NCCC*

Liam Smith & Tuma Young, KC, NWT, IPC, *Co-Counsel for the Proposed Interested Party, NCCC*

Khizer Pervez, *Counsel for the Canadian Human Rights Commission*

Dayna Anderson, Sarah-Dawn Norris, Meg Jones, Sarah Bird, Aman Owais, Kevin Staska, Jon Khan, and Alicia Dueck-Read, *Counsel for the Respondent, Attorney General of Canada*

Ashley Ash, Katelyn Johnstone, and Jessie Stirling, *Counsel for the Interested Party, Chiefs of Ontario*

Stephen Aylward, *Counsel for the Interested Party, Amnesty International*

Asha James, Shelby Percival and Meaghan Daniel, *Counsel for the Interested Party, Nishnawbe Aski Nation*

This is Exhibit "D" of the Affidavit of Chief Pauline Frost, affirmed remotely by video teleconference by Chief Pauline Frost at Ottawa, Ontario, before me at Northside East Bay, Nova Scotia, on this 12th day of February, 2026.

Signed by:



84F1E9A704D443F...

A Commissioner for taking affidavits

LIAM SMITH

From: Maggie Wente <MWente@oktlaw.com>
Sent: December 18, 2025 8:32 AM
To: Dayna Anderson
Cc: Alex DeParde; Khizer Pervez; pmantas@fasken.com; Sarah Clarke; Paul Vickery; JustinS@stockwoods.ca; DTaylor@conwaylitigation.ca; Anshumala Juyal; julianf@falconers.ca; Scott A. Smith; KC Tuma Young; Liam Smith; Sarah-Dawn Norris; Meg Jones; Sarah Bird; Aman Owais; Kevin Staska; Alicia Dueck-Read; Jon Khan; Ashley Ash; Katelyn Johnstone; Jessie Stirling-Voss; StephenA@stockwoods.ca; ashaj@falconers.ca; ShelbyP@falconers.ca; meaghand@falconers.ca; Michelle Lloyd; Adam Lupinacci; Jillian Darvill
Subject: Re: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)

Good morning,

COO also has been fully occupied with the hearing on the Ontario Final Agreement. The COO office will be closed as of today until January.

I will not be able to have instructions on this matter until January, and because of the nature of your clients request it will require several layers of approvals.

I will let you know in January when I will be able to get instructions.

Maggie Wente

My pronouns are she/her.

OLTHUIS KLEER TOWNSHEND LLP

Barristers and Solicitors

250 University Avenue, 8th Floor

Toronto, Ontario M5H 3E5

Cell: [416-898-2425](tel:416-898-2425)

Office Tel. [416-981-9340](tel:416-981-9340)

Legal Assistant: Sarah Zulauf, szulauf@oktlaw.com

sent from my phone

On Dec 17, 2025, at 10:31 AM, Anderson, Dayna (she her elle la) <Dayna.Anderson@justice.gc.ca> wrote:

Good morning Alex. We have been fully occupied with the hearing and do not have instructions at this time. I also do not understand that there is any particular deadline to propose a schedule to the Tribunal, although we should of course do so relatively soon. I suggest that we discuss proposed scheduling next week.

Thank you.

Dayna Anderson

(she/her/elle)

Senior General Counsel
 Prairie Regional Office (Winnipeg)
 601 – 400 St. Mary Avenue, Winnipeg, Manitoba R3C 4K5
 National Litigation Sector
 Department of Justice Canada / Government of Canada
dayna.anderson@justice.gc.ca / Tel: 204-294-5563 / Fax: 204-983-3636

Avocate générale principale
 Bureau régional des Prairies (Winnipeg)
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Ce message contient des renseignements qui pourraient être confidentiels, soustraits à la communication, ou protégés par le privilège relatif au litige ou par le secret professionnel liant l'avocat ou le notaire à son client. S'il ne vous est pas destiné, vous êtes priés de ne pas le lire, l'utiliser, le conserver ou le diffuser. Veuillez sans tarder le supprimer et en détruire toute copie, et communiquer avec l'expéditeur au 204-294-5563 ou à dayna.anderson@justice.gc.ca. Merci de votre collaboration.

From: Alex DeParde <aerdeparde@airdberlis.com>

Sent: December 16, 2025 7:46 AM

To: Pervez, Khizer (CHRC/CCDP) <khizer.pervez@chrc-ccdp.gc.ca>; pmantas@fasken.com; sarah@childandfamilylaw.ca; Vickery, Paul <Paul.Vickery@justice.gc.ca>; justins@stockwoods.ca; dtaylor@conwaylitigation.ca; Juyal, Anshumala (CHRC/CCDP) <Anshumala.Juyal@chrc-ccdp.gc.ca>; Maggie Wente <mwente@oktlaw.com>; julianf@falconers.ca

Cc: Scott A. Smith <ssmith@airdberlis.com>; Tuma Young, KC <tuma@smithlawinc.com>; Liam Smith <liam@smithlawinc.com>; Anderson, Dayna (she her elle la) <Dayna.Anderson@justice.gc.ca>; Norris, Sarah-Dawn (she her elle la) <Sarah-Dawn.Norris@Justice.gc.ca>; Jones, Meg (she her elle la) <Meg.Jones@justice.gc.ca>; Bird, Sarah (she her elle) <Sarah.Bird@justice.gc.ca>; Owais, Aman <Aman.Owais@justice.gc.ca>; Staska, Kevin <Kevin.Staska@justice.gc.ca>; Dueck-Read, Alicia (she her elle la) <Alicia.Dueck-Read@justice.gc.ca>; Khan, Jon <Jon.Khan@justice.gc.ca>; aash@oktlaw.com; kjohnstone@oktlaw.com; jstirling@oktlaw.com; stephena@stockwoods.ca; ashaj@falconers.ca; shelbyp@falconers.ca; meaghand@falconers.ca; Lloyd, Michelle (CHRC/CCDP) <michelle.lloyd@chrc-ccdp.gc.ca>

Subject: RE: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Good morning,

I understand the Panel has asked the parties/interested parties to provide a schedule for the NCCC's motion by Thursday. To facilitate this, I am again asking for a response to my Dec. 10 letter so we can identify the steps that will be necessary for the motion. In particular, we need to identify whether the parties/interested parties intend to file responding evidence or cross examine, or whether we can simply proceed to exchanging written submissions.

Best,

Alex DeParde (he/him)

Partner

T 416.865.3080

E aedeparde@airdbelris.com

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Toronto | Vancouver

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From: Alex DeParde

Sent: December 14, 2025 7:48 PM

To: 'Pervez, Khizer (CHRC/CCDP)' <khizer.pervez@chrc-ccdp.gc.ca>; pmantas@fasken.com; sarah@childandfamilylaw.ca; paul.vickery@justice.gc.ca; justins@stockwoods.ca; dtaylor@conwaylitigation.ca; Juyal, Anshumala (CHRC/CCDP) <Anshumala.Juyal@chrc-ccdp.gc.ca>; Maggie Wente <mwente@oktlaw.com>; julianf@falconers.ca

Cc: Scott A. Smith <ssmith@airdbelris.com>; Tuma Young, KC <tuma@smithlawinc.com>; Liam Smith <liam@smithlawinc.com>; Dayna.Anderson@justice.gc.ca; sarah-dawn.norris@justice.gc.ca; meg.jones@justice.gc.ca; sarah.bird@justice.gc.ca; aman.owais@justice.gc.ca; kevin.staska@justice.gc.ca; Alicia.dueck-read@justice.gc.ca; jon.khan@justice.gc.ca; aash@oktlaw.com; kjohnstone@oktlaw.com; jstirling@oktlaw.com; stephena@stockwoods.ca; ashaj@falconers.ca; shelbyp@falconers.ca; meaghand@falconers.ca; Lloyd, Michelle (CHRC/CCDP) <michelle.lloyd@chrc-ccdp.gc.ca>

Subject: RE: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)

Thank you, Khizer. Could we please hear from the remaining parties and interested parties?

Best,

Alex DeParde (he/him)

Partner

T 416.865.3080

E adeparte@airdberlis.com

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Toronto | Vancouver

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From: Pervez, Khizer (CHRC/CCDP) <khizer.pervez@chrc-ccdp.gc.ca>

Sent: December 12, 2025 10:54 AM

To: Alex DeParde <adeparte@airdberlis.com>; pmantas@fasken.com; sarah@childandfamilylaw.ca; paul.vickery@justice.gc.ca; justins@stockwoods.ca; dtaylor@conwaylitigation.ca; Juyal, Anshumala (CHRC/CCDP) <Anshumala.Juyal@chrc-ccdp.gc.ca>; Maggie Wente <mwente@oktlaw.com>; julianf@falconers.ca

Cc: Scott A. Smith <ssmith@airdberlis.com>; Tuma Young, KC <tuma@smithlawinc.com>; Liam Smith <liam@smithlawinc.com>; Dayna.Anderson@justice.gc.ca; sarah-dawn.norris@justice.gc.ca; meg.jones@justice.gc.ca; sarah.bird@justice.gc.ca; aman.owais@justice.gc.ca; kevin.staska@justice.gc.ca; Alicia.dueck-read@justice.gc.ca; jon.khan@justice.gc.ca; aash@oktlaw.com; kjohnstone@oktlaw.com; jstirling@oktlaw.com; stephena@stockwoods.ca; ashaj@falconers.ca; shelbyp@falconers.ca; meaghand@falconers.ca; Lloyd, Michelle (CHRC/CCDP) <Michelle.lloyd@chrc-ccdp.gc.ca>

Subject: RE: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)

Good morning Mr. DeParde,

Further to your correspondence dated December 10, 2025, the Commission writes to advise that it does not intend to take a position on NCCC's motion for interested party status.

Thank you,

Khizer Pervez

Counsel

Legal Services Division, Human Rights Protection Branch

Canadian Human Rights Commission

344 Slater Street, Ottawa ON, K1A 1E1

khizer.pervez@chrc-ccdp.gc.ca

Telephone: 613-296-4390 / Facsimile: 613-993-3089 / Toll Free: 1-888-214-1090

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Khizer Pervez

Avocat

Division des services juridiques, Direction générale de la protection des droits de la personne
Commission canadienne des droits de la personne

344, rue Slater Ottawa (Ontario), K1A 1E1

khizer.pervez@chrc-ccdp.gc.ca

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From: Alex DeParde <aedeparde@airdberlis.com>

Sent: December 10, 2025 12:23 PM

To: pmantas@fasken.com; sarah@childandfamilylaw.ca; paul.vickery@justice.gc.ca; justins@stockwoods.ca; dtaylor@conwaylitigation.ca; Juyal, Anshumala (CHRC/CCDP) <anshumala.juyal@chrc-ccdp.gc.ca>; Maggie Wente <mwente@oktlaw.com>; julianf@falconers.ca

Cc: Scott A. Smith <ssmith@airdberlis.com>; Tuma Young, KC <tuma@smithlawinc.com>; Liam Smith <liam@smithlawinc.com>; Pervez, Khizer (CHRC/CCDP) <khizer.pervez@chrc-ccdp.gc.ca>; Dayna.Anderson@justice.gc.ca; sarah-dawn.norris@justice.gc.ca; meg.jones@justice.gc.ca; sarah.bird@justice.gc.ca; aman.owais@justice.gc.ca; kevin.staska@justice.gc.ca; Alicia.ueck-read@justice.gc.ca; jon.khan@justice.gc.ca; aash@oktlaw.com; kjohnstone@oktlaw.com; istirling@oktlaw.com; stephena@stockwoods.ca; ashaj@falconers.ca; shelbyp@falconers.ca; meaghand@falconers.ca

Subject: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada
(Tribunal File No.: T1340/7008)

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Good afternoon,

Please find attached correspondence of today's date in respect of the above-captioned matter.

Sincerely,

Alex DeParde (he/him)

Partner

T 416.865.3080

F 416.863.1515

E aedeparde@airdberlis.com

Aird & Berlis LLP | Lawyers

Toronto | Vancouver

Brookfield Place, 181 Bay Street, Suite 1800
Toronto, ON M5J 2T9 | airdberlis.com

<image001.png>

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This is Exhibit "E" of the Affidavit of Chief Pauline Frost, affirmed remotely by video teleconference by Chief Pauline Frost at Ottawa, Ontario, before me at Northside East Bay, Nova Scotia, on this 12th day of February, 2026.

Signed by:



84F1E9A704D443F...

A Commissioner for taking affidavits

LIAM SMITH

Alexander DeParde
 Direct: 416.865.3080
 E-mail: adeparde@airdberlis.com

December 19, 2025

VIA EMAIL: registry.office@chrt-tcdp.gc.ca

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

Dear Registry and Tribunal:

Re: *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)*

Earlier today we filed the Motion Record of the National Children's Chiefs Commission ("NCCC") in the above-noted proceeding, including (i) the previously filed Notice of Motion and Affidavit of Chief Frost (affirmed November 20, 2025); (ii) the Affidavit of Mary Arulnesan (sworn December 17, 2025); and (iii) written submissions.

In addition, we write to propose a procedure and timetable for the remaining steps in the NCCC's motion under Rule 3(2) of the *Canadian Human Rights Tribunal Rules of Procedure* (03-05-04).

Right to File Reply Evidence and Reply Written Submissions

In our November 21, 2025 letter to the Tribunal, a copy of which is attached as **Appendix "A"**, we indicated "[w]e have also prepared draft written submissions, but have refrained from filing them pending further direction from this Tribunal under Rule 3(2) in relation to responding evidence, cross-examinations, and responding written submissions."

The reason we refrained from filing our written submissions at that time is because of the unfairness that would result if we filed our written submissions prior to the respondents filing responding evidence or cross-examining our affiant. Ideally, all these evidentiary steps (including the filing of reply evidence, if any) would occur before the filing of our written submissions so all evidence could be addressed at once.

On December 10, 2025, we wrote to counsel for the parties and interested parties. A copy of that letter is attached as **Appendix "B"**. In our December 10 letter, we asked each party "to advise whether it intends to (1) consent, oppose, or take no position on the NCCC's motion; (2) cross-examine Chief Frost on her affidavit; and (3) file responding evidence (along with anticipated timing for filing the same)." The purpose of this letter was to understand the procedural steps required for the Tribunal to adjudicate the NCCC's motion in a fair and orderly manner.

On December 12, 2025, the Commission confirmed "it does not intend to take a position on NCCC's motion for interested party status." On December 17, 2025, Canada advised it "do[es] not have instructions at this time." On December 18, 2025, Chiefs of Ontario advised its office is closed until January. No other answers to our December 10 letter have been received. As a result, apart from the Commission, we are unable to ascertain whether any of the respondents to the NCCC's motion intend to file responding evidence or seek to cross-examine our affiant. Nor are

December 19, 2025

Page 2

we able to ascertain at this time the need to file reply evidence. A copy of the e-mail chain between the parties from December 10 and 18, 2025 is attached as **Appendix “C”**.

On December 17, 2025, Senior Registry Officer Judy Dubois emailed us directing that “the NCCC may file their submissions of no longer than 15 pages at their earliest convenience.” Despite not knowing whether the parties/interested parties intend to file responding evidence or seek to cross-examine our affiant, in the interest of moving the NCCC’s motion forward on a timely basis we have filed our Motion Record, inclusive of written submissions. We have done so in express reliance on the assurance of Ms. Dubois that “[t]he NCCC will have a right to reply to the parties’ submissions on the motion,” which we take to include the right to file both reply evidence and reply written submissions. A copy of the email chain between Ms. Arulnesan and Ms. Dubois between November 21 and December 17, 2025, is attached as **Appendix “D”**.

Proposed Timetable

Based on the above and the time-sensitive nature of the NCCC’s motion, we propose the following timetable for the hearing of the NCCC’s motion (which is to be in writing under Rule 3(1)):

- **January 9, 2026:** Parties/interested parties supporting the NCCC’s motion to serve and file (1) responding affidavit evidence, if any; and (2) responding written submissions, if any, with a 15-page limit.
- **January 16, 2026:** Parties/interested parties opposing the NCCC’s motion to serve and file (1) responding affidavit evidence, if any; and (2) responding written submissions, if any, with a 15-page limit.
- **January 30, 2026:** The NCCC to serve and file (1) reply affidavit evidence, if any; and (2) reply written submissions, if any, with a 5-page limit.

While we are mindful of the upcoming holiday and deadlines in January, the nature of the NCCC’s interest in this proceeding requires an expedited resolution of its motion. In particular (and as set out in further detail in our written submissions): (1) the NCCC is the only entity with authorization from the First Nations-in-Assembly to engage in negotiations with Canada in relation to the subject matter of this proceeding; and (2) this Tribunal has expressly assigned responsibilities to the NCCC in relation to the process of ending the systemic discrimination in Canada’s delivery of First Nations Child and Family Services and its application of Jordan’s Principle.¹

The NCCC is experiencing ongoing prejudice by its inability to weigh in on these matters—which this Tribunal has recognized it has a direct stake in—while they are being addressed by the parties/interested parties before this Tribunal. An expedited resolution is both required and reasonable in the circumstances. Any requests by parties/interested parties for more time cannot come at the expense of mitigating against ongoing prejudice to the NCCC, especially given it has now been a month since it served and filed its Notice of Motion and supporting affidavit.

¹ *Caring Society et al v Canada*, [2025 CHRT 80](#) at paras 15-18, 24-25, 27, 78, 103, 119-120, 125.

December 19, 2025

Page 3

Sincerely,

AIRD & BERLIS LLP



Alexander DeParde
Partner

CC: Scott A. Smith, *Co-Counsel for the Proposed Interested Party, NCCC*

Liam Smith & Tuma Young, KC, NWT, IPC, *Co-Counsel for the Proposed Interested Party, NCCC*

Peter Mantas, *Counsel for the Co-Complainant, Assembly of First Nations*

David Taylor and Sarah Clarke, *Counsel for the Co-Complainant, First Nations Child and Family Caring Society*

Paul Vickery, Dayna Anderson, Sarah-Dawn Norris, Meg Jones, Sarah Bird, Aman Owais, Kevin Staska, Jon Khan, and Alicia Dueck-Read, *Counsel for the Respondent, Attorney General of Canada*

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

Maggie Wente, Ashley Ash, Katelyn Johnstone and Jessie Stirling, *Counsel for the Interested Party, Chiefs of Ontario*

Julian Falconer, Asha James, Shelby Percival and Meaghan Daniel, *Counsel for the Interested Party, Nishnawbe Aski Nation*

Justin Safayeni and Stephen Aylward, *Counsel for the Interested Party, Amnesty International*

AIRD BERLIS

Alex DeParde
 Direct: 416.865.3080
 E-mail: aeparde@airdberlis.com

November 21, 2025

VIA EMAIL: registry.office@chrt-tcdp.gc.ca

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

Dear Registry and Tribunal:

Re: *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)*

We write as co-counsel for the National Children's Chiefs Commission ("NCCC"), which today filed a Notice of Motion for interested party status under Rule 8 of the "old" *Canadian Human Rights Tribunal Rules of Procedure* (03-05-04) in the above-captioned proceeding. The Notice of Motion was filed with the Affidavit of Chief Pauline Frost, affirmed November 20, 2025.

We have also prepared draft written submissions, but have refrained from filing them pending further direction from this Tribunal under Rule 3(2) in relation to responding evidence, cross-examinations, and responding written submissions.

We understand the next case conference is scheduled for November 27, 2025. Subject to this Tribunal's direction, we propose to attend on behalf of the NCCC to speak to the procedure and timetable for the NCCC's motion for interested party status. If this would be acceptable to the Tribunal, we would be grateful to receive coordinates for the case conference.

Thank you in advance for your attention to this matter. Please do not hesitate to contact me should you have any questions or require additional information.

Yours truly,

AIRD & BERLIS LLP



Alexander DeParde
 Partner

cc. Scott A. Smith, *Co-Counsel for the Proposed Interested Party, NCCC*

Liam Smith & Tuma Young, KC, NWT, IPC, *Co-Counsel for the Proposed Interested Party, NCCC*

Peter Mantas, *Counsel for the Co-Complainant, Assembly of First Nations*

November 21, 2025

Page 2

David Taylor and Sarah Clarke, *Counsel for the Co-Complainant, First Nations Child and Family Caring Society*

Paul Vickery, Dayna Anderson, Kevin Staska, Sarah Bird, Jon Khan, Alicia Dueck-Read, Aman Owais, Meg Jones and Sarah-Dawn Norris, *Counsel for the Respondent, Attorney General of Canada*

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

Maggie Wente, Ashley Ash, Katelyn Johnstone and Jessie Stirling, *Counsel for the Interested Party, Chiefs of Ontario*

Julian Falconer, Asha James, Shelby Percival and Meaghan Daniel, *Counsel for the Interested Party, Nishnawbe Aski Nation*

Justin Safayeni and Stephen Aylward, *Counsel for the Interested Party, Amnesty International*

AIRD BERLIS

Alex DeParde
 Direct: 416.865.3080
 E-mail: aedeparde@airdberlis.com

December 10, 2025

VIA EMAIL

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 Ottawa, ON K1P 6L5
 Attn.: Peter Mantas
pmantas@fasken.com

Clarke Child & Family Law
 950-36 Toronto St
 Toronto, ON M5C 2C5
 Attn.: Sarah Clarke
sarah@childandfamilylaw.ca

Department of Justice Canada
 50 O'Connor Street
 Ottawa, ON K1A 0H8
 Attn.: Paul Vickery
paul.vickery@justice.gc.ca

Stockwoods LLP
 77 King Street West, Suite 4130
 Toronto, ON M5K 1H1
 Attn.: Justin Safayeni
justins@stockwoods.ca

Conway Baxter Wilson LLP
 400-411 Roosevelt Avenue
 Ottawa, ON K2A 3X9
 Attn.: David Taylor
dtaylor@conwaylitigation.ca

Canadian Human Rights Commission
 344 Slater Street, 8th Floor
 Ottawa, ON K1A 1E1
 Attn.: Anshumala Juyal
anshumala.juyal@chrc-ccdp.gc.ca

Olthuis Kleer Townshend LLP
 250 University Avenue, 8th Floor
 Toronto, ON M5H 3E5
 Attn.: Maggie Wente
mwente@oktlaw.com

Falconers LLP
 10 Alcorn Avenue, Suite 204
 Toronto, ON M4V 3A9
 Attn.: Julian Falconer
julianf@falconers.ca

Dear Counsel:

Re: *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada* (Tribunal File No.: T1340/7008)

We are co-counsel for the National Children's Chiefs Commission ("NCCC"). On November 21, 2025, the NCCC filed with the Canadian Human Rights Tribunal ("Tribunal"): (1) a Notice of Motion for interested party status; and (2) the Affidavit of Chief Frost, affirmed November 20, 2025. We advised the Tribunal that we had not filed our written submissions, pending further direction.

Under Rule 3(2) of the *Canadian Human Rights Tribunal Rules of Procedure* (03-05-04), upon receipt of the NCCC's Notice of Motion, the Tribunal shall make directions respecting procedure for the motion, including "the time, manner and form of any response" and "the making of argument and the presentation of evidence by all parties, including the time, manner and form thereof." We have not yet heard from the Tribunal respecting these matters, but we understand the Tribunal is considering them this week.

On Monday, December 15, 2025, we will write to the Tribunal further to Rule 3(2) to propose a procedure for the NCCC's motion for interested party status, including the filing of any responding affidavits, cross-examinations, and the filing of written submissions.

December 10, 2025

Page 2

To ensure our proposal reflects the requirements of this motion, we ask each party and interested party to advise whether it intends to (1) consent, oppose, or take no position on the NCCC's motion; (2) cross-examine Chief Frost on her affidavit; and (3) file responding evidence (along with anticipated timing for filing the same).

We would be grateful for your response by Friday, December 12, 2025.

Sincerely,

AIRD & BERLIS LLP



Alexander DeParde

Partner

cc. Scott A. Smith, *Co-Counsel for the Proposed Interested Party, NCCC*

Liam Smith & Tuma Young, KC, NWT, IPC, *Co-Counsel for the Proposed Interested Party, NCCC*

Khizer Pervez, *Counsel for the Canadian Human Rights Commission*

Dayna Anderson, Sarah-Dawn Norris, Meg Jones, Sarah Bird, Aman Owais, Kevin Staska, Jon Khan, and Alicia Dueck-Read, *Counsel for the Respondent, Attorney General of Canada*

Ashley Ash, Katelyn Johnstone, and Jessie Stirling, *Counsel for the Interested Party, Chiefs of Ontario*

Stephen Aylward, *Counsel for the Interested Party, Amnesty International*

Asha James, Shelby Percival and Meaghan Daniel, *Counsel for the Interested Party, Nishnawbe Aski Nation*

From: [Maggie Wente](#)
To: [Dayna Anderson](#)
Cc: [Alex DeParde](#); [Khizer Pervez](#); [pmantas@fasken.com](#); [Sarah Clarke](#); [Paul Vickery](#); [JustinS@stockwoods.ca](#); [DTaylor@conwaylitigation.ca](#); [Anshumala Juyal](#); [julianf@falconers.ca](#); [Scott A. Smith](#); [KC Tuma Young](#); [Liam Smith](#); [Sarah-Dawn Norris](#); [Meg Jones](#); [Sarah Bird](#); [Aman Owais](#); [Kevin Staska](#); [Alicia Dueck-Read](#); [Jon Khan](#); [Ashley Ash](#); [Katelyn Johnstone](#); [Jessie Stirling-Voss](#); [StephenA@stockwoods.ca](#); [ashaj@falconers.ca](#); [ShelbyP@falconers.ca](#); [meaghand@falconers.ca](#); [Michelle Lloyd](#); [Adam Lupinacci](#); [Jillian Darvill](#)
Subject: Re: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)
Date: December 18, 2025 8:32:44 AM
Attachments: [image001.png](#)



Good morning,

COO also has been fully occupied with the hearing on the Ontario Final Agreement. The COO office will be closed as of today until January.

I will not be able to have instructions on this matter until January, and because of the nature of your clients request it will require several layers of approvals.

I will let you know in January when I will be able to get instructions.

Maggie Wente

My pronouns are she/her.

OLTHUIS KLEER TOWNSHEND LLP

Barristers and Solicitors

[250](#) University Avenue, 8th Floor

[Toronto, Ontario M5H 3E5](#)

Cell: [416-898-2425](#)

Office Tel. [416-981-9340](#)

Legal Assistant: Sarah Zulauf, szulauf@oktlaw.com

sent from my phone

On Dec 17, 2025, at 10:31 AM, Anderson, Dayna (she her elle la) <Dayna.Anderson@justice.gc.ca> wrote:

Good morning Alex. We have been fully occupied with the hearing and do not have instructions at this time. I also do not understand that there is any particular deadline to propose a schedule to the Tribunal, although we should of course do

so relatively soon. I suggest that we discuss proposed scheduling next week.

Thank you.

Dayna Anderson

(she/her/elle)

Senior General Counsel
 Prairie Regional Office (Winnipeg)
 601 – 400 St. Mary Avenue, Winnipeg, Manitoba R3C 4K5
 National Litigation Sector
 Department of Justice Canada / Government of Canada
dayna.anderson@justice.gc.ca / Tel: 204-294-5563 / Fax: 204-983-3636

Avocate générale principale
 Bureau régional des Prairies (Winnipeg)
 400, avenue St. Mary, pièce 601, Winnipeg (Manitoba) R3C 4K5
 Secteur national du contentieux
 Ministère de la Justice Canada / Gouvernement du Canada
dayna.anderson@justice.gc.ca / Tél. 204-294-5563 / Téléc. 204-983-3636

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Ce message contient des renseignements qui pourraient être confidentiels, soustraits à la communication, ou protégés par le privilège relatif au litige ou par le secret professionnel liant l'avocat ou le notaire à son client. S'il ne vous est pas destiné, vous êtes priés de ne pas le lire, l'utiliser, le conserver ou le diffuser. Veuillez sans tarder le supprimer et en détruire toute copie, et communiquer avec l'expéditeur au 204-294-5563 ou à dayna.anderson@justice.gc.ca. Merci de votre collaboration.

From: Alex DeParde <aideparde@airdberlis.com>

Sent: December 16, 2025 7:46 AM

To: Pervez, Khizer (CHRC/CCDP) <khizer.pervez@chrc-ccdp.gc.ca>; pmantas@fasken.com; sarah@childandfamilylaw.ca; Vickery, Paul <Paul.Vickery@justice.gc.ca>; justins@stockwoods.ca; dtaylor@conwaylitigation.ca; Juyal, Anshumala (CHRC/CCDP) <Anshumala.Juyal@chrc-ccdp.gc.ca>; Maggie Wente <mwente@oktlaw.com>; julianf@falconers.ca

Cc: Scott A. Smith <[ssmith@airdberlis.com](mailto:sssmith@airdberlis.com)>; Tuma Young, KC <tuma@smithlawinc.com>; Liam Smith <liam@smithlawinc.com>; Anderson, Dayna

(she her elle la) <Dayna.Anderson@justice.gc.ca>; Norris, Sarah-Dawn (she her elle la) <Sarah-Dawn.Norris@Justice.gc.ca>; Jones, Meg (she her elle la) <Meg.Jones@justice.gc.ca>; Bird, Sarah (she her elle) <Sarah.Bird@justice.gc.ca>; Owais, Aman <Aman.Owais@justice.gc.ca>; Staska, Kevin <Kevin.Staska@justice.gc.ca>; Dueck-Read, Alicia (she her elle la) <Alicia.Dueck-Read@justice.gc.ca>; Khan, Jon <Jon.Khan@justice.gc.ca>; aash@oktlaw.com; kjohnstone@oktlaw.com; jstirling@oktlaw.com; stephena@stockwoods.ca; ashaj@falconers.ca; shelbyp@falconers.ca; meaghand@falconers.ca; Lloyd, Michelle (CHRC/CCDP) <michelle.lloyd@chrc-ccdp.gc.ca>

Subject: RE: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Good morning,

I understand the Panel has asked the parties/interested parties to provide a schedule for the NCCC's motion by Thursday. To facilitate this, I am again asking for a response to my Dec. 10 letter so we can identify the steps that will be necessary for the motion. In particular, we need to identify whether the parties/interested parties intend to file responding evidence or cross examine, or whether we can simply proceed to exchanging written submissions.

Best,

Alex DeParde (he/him)

Partner

T 416.865.3080

E aeparde@airdberlis.com

Aird & Berlis LLP | Lawyers

Toronto | Vancouver

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From: Alex DeParde

Sent: December 14, 2025 7:48 PM

To: 'Pervez, Khizer (CHRC/CCDP)' <khizer.pervez@chrc-ccdp.gc.ca>; pmantas@fasken.com; sarah@childandfamilylaw.ca; paul.vickery@justice.gc.ca; justins@stockwoods.ca; dtaylor@conwaylitigation.ca; Juyal, Anshumala (CHRC/CCDP) <Anshumala.Juyal@chrc-ccdp.gc.ca>; Maggie Wente <mwente@oktlaw.com>; julianf@falconers.ca

Cc: Scott A. Smith <ssmith@airdberlis.com>; Tuma Young, KC

<tuma@smithlawinc.com>; Liam Smith <liam@smithlawinc.com>;
Dayna.Anderson@justice.gc.ca; sarah-dawn.norris@justice.gc.ca;
meg.jones@justice.gc.ca; sarah.bird@justice.gc.ca; aman.owais@justice.gc.ca;
kevin.staska@justice.gc.ca; Alicia.dueck-read@justice.gc.ca; jon.khan@justice.gc.ca;
aash@oktlaw.com; kjohnstone@oktlaw.com; jstirling@oktlaw.com;
stephena@stockwoods.ca; ashaj@falconers.ca; shelbyp@falconers.ca;
meaghand@falconers.ca; Lloyd, Michelle (CHRC/CCDP) <michelle.lloyd@chrc-ccdp.gc.ca>

Subject: RE: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)

Thank you, Khizer. Could we please hear from the remaining parties and interested parties?

Best,

Alex DeParde (he/him)

Partner

T 416.865.3080

E adeparte@airdberlis.com

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Toronto | Vancouver

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From: Pervez, Khizer (CHRC/CCDP) <khizer.pervez@chrc-ccdp.gc.ca>

Sent: December 12, 2025 10:54 AM

To: Alex DeParde <adeparte@airdberlis.com>; pmantas@fasken.com;
sarah@childandfamilylaw.ca; paul.vickery@justice.gc.ca; justins@stockwoods.ca;
dtaylor@conwaylitigation.ca; Juyal, Anshumala (CHRC/CCDP) <Anshumala.Juyal@chrc-ccdp.gc.ca>; Maggie Wente <mwente@oktlaw.com>; julianf@falconers.ca

Cc: Scott A. Smith <ssmith@airdberlis.com>; Tuma Young, KC
tuma@smithlawinc.com; Liam Smith <liam@smithlawinc.com>;
Dayna.Anderson@justice.gc.ca; sarah-dawn.norris@justice.gc.ca;
meg.jones@justice.gc.ca; sarah.bird@justice.gc.ca; aman.owais@justice.gc.ca;
kevin.staska@justice.gc.ca; Alicia.dueck-read@justice.gc.ca; jon.khan@justice.gc.ca;
aash@oktlaw.com; kjohnstone@oktlaw.com; jstirling@oktlaw.com;
stephena@stockwoods.ca; ashaj@falconers.ca; shelbyp@falconers.ca;
meaghand@falconers.ca; Lloyd, Michelle (CHRC/CCDP) <michelle.lloyd@chrc-ccdp.gc.ca>

Subject: RE: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)

Good morning Mr. DeParde,

Further to your correspondence dated December 10, 2025, the Commission writes to advise that it does not intend to take a position on NCCC's motion for interested party status.

Thank you,

Khizer Pervez

Counsel

Legal Services Division, Human Rights Protection Branch

Canadian Human Rights Commission

344 Slater Street, Ottawa ON, K1A 1E1

khizer.pervez@chrc-ccdp.gc.ca

Telephone: 613-296-4390 / Facsimile: 613-993-3089 / Toll Free: 1-888-214-1090

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Khizer Pervez

Avocat

Division des services juridiques, Direction générale de la protection des droits de la personne

Commission canadienne des droits de la personne

344, rue Slater Ottawa (Ontario), K1A 1E1

khizer.pervez@chrc-ccdp.gc.ca

Téléphone: 613-296-4390 / Télécopieur: 613-993-3089 / Sans frais: 1-888-214-1090

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From: Alex DeParde <adeparte@airdberlis.com>

Sent: December 10, 2025 12:23 PM

To: pmantas@fasken.com; sarah@childandfamilylaw.ca; paul.vickery@justice.gc.ca; justins@stockwoods.ca; dtaylor@conwaylitigation.ca; Juyal, Anshumala (CHRC/CCDP)

<anshumala.juyal@chrc-ccdp.gc.ca>; Maggie Wente <mwente@oktlaw.com>; julianf@falconers.ca

Cc: Scott A. Smith <ssmith@airdberlis.com>; Tuma Young, KC <tuma@smithlawinc.com>; Liam Smith <liam@smithlawinc.com>; Pervez, Khizer (CHRC/CCDP) <khizer.pervez@chrc-ccdp.gc.ca>; Dayna.Anderson@justice.gc.ca; sarah-dawn.norris@justice.gc.ca; meg.jones@justice.gc.ca; sarah.bird@justice.gc.ca; aman.owais@justice.gc.ca; kevin.staska@justice.gc.ca; Alicia.dueck-read@justice.gc.ca; jon.khan@justice.gc.ca; aash@oktlaw.com; kjohnstone@oktlaw.com; jstirling@oktlaw.com; stephena@stockwoods.ca; ashaj@falconers.ca; shelbyp@falconers.ca; meaghand@falconers.ca

Subject: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)

You don't often get email from adeparde@airdberlis.com. [Learn why this is important](#)

Good afternoon,

Please find attached correspondence of today's date in respect of the above-captioned matter.

Sincerely,

Alex DeParde (he/him)
Partner

T 416.865.3080
F 416.863.1515
E adeparde@airdberlis.com

Aird & Berlis LLP | Lawyers
Toronto | Vancouver

Brookfield Place, 181 Bay Street, Suite 1800
Toronto, ON M5J 2T9 | airdberlis.com

[<image001.png>](#)

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Mary Arulnesan

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: December 17, 2025 11:13 AM
To: Liam Smith; Mary Arulnesan
Cc: 'David Taylor'; Sarah Clarke; Robin McLeod; Kiana Saint-Macary; Peter Mantas; Clive Ngan; gcyr@fasken.com; 'tsun@fasken.com'; 'Anshumala.Juyal@chrc-ccdp.gc.ca'; khizer.pervez@chrc-ccdp.gc.ca; 'Vickery, Paul'; 'Norris, Sarah-Dawn'; 'Jones, Meg'; 'Anderson, Dayna (she; her | elle; la)'; 'Staska, Kevin'; Bird, Sarah (she her elle la); Khan, Jon; Dueck-Read, Alicia (she her elle la); Aman.Owais@justice.gc.ca; Lupinacci, Adam (he him his il le lui); Maggie Wente; Benjamin Brookwell; 'Sinéad Dearman'; Jessie Stirling-Voss; Katelyn Johnstone; Ashley Ash; Jenna Rogers; 'julianf@falconers.ca'; Asha James; Shelby Percival; meaghand@falconers.ca; David Schwartz; Erin McMurray; Jordan Tully; 'justins@stockwoods.ca'; 'Stephen Aylward'; Spencer Bass; 'Jasmine Kaur'; Lloyd, Michelle (CHRC/CCDP); Darvill, Jillian (she; her | elle; la); Perrault-Werner, Alisia (she her elle la); Anderson, Jackie (she her elle la); Wong, Theresa (she her elle la); Adatia, Shireen (she her elle la); Moores, James (he him il lui); Lo, Mae Loraine (she her elle la)
Subject: NCCC Proposed Interested Party - First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008)

Dear Counsel,

The Tribunal is mindful that the holiday period is fast approaching therefore, the NCCC may file their submissions of no longer than 15 pages at their earliest convenience. The Tribunal and the parties participated in a hearing this week and as you are aware, some parties are also preparing the National long-term reform plan outside Ontario. The parties are considering when would be the best time to respond to the NCCC's motion and will get back to the Tribunal shortly.

Thank you.

Judy Dubois
(she/her/elle)

Senior Registry Officer / CHRT Registry Services
On behalf of the Canadian Human Rights Tribunal
Administrative Tribunals Support Service of Canada / Government of Canada
judy.dubois@tribunal.gc.ca

Agente principale du greffe / Services du greffe du TCDP
Au nom du Tribunal canadien des droits de la personne
Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada
judy.dubois@tribunal.gc.ca

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: December 8, 2025 12:03 PM
To: 'Mary Arulnesan' <marulnesan@airdberlis.com>
Subject: RE: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008) - Proposed Interested Party, NCCC

Dear Ms. Arulnesan,

The Tribunal acknowledges receipt of your email below with attachments on November 21, 2025.

Unfortunately, due to an oversight it was not sent to the Panel members until this morning, December 8, 2025.

The Panel chair will advise the parties of the motion and discuss a schedule for the parties' submissions to respond to the motion. This will be done in case management at some time during the hearing period scheduled to take place from December 10-12, 2025. The Tribunal will advise the NCCC of the set schedule. The NCCC will have a right to reply to the parties' submissions on the motion.

Thank you.

Judy Dubois

(she/her/elle)

Senior Registry Officer / CHRT Registry Services

On behalf of the Canadian Human Rights Tribunal

Administrative Tribunals Support Service of Canada / Government of Canada

judy.dubois@tribunal.gc.ca

Agente principale du greffe / Services du greffe du TCDP

Au nom du Tribunal canadien des droits de la personne

Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada

judy.dubois@tribunal.gc.ca

From: Mary Arulnesan <marulnesan@airdberlis.com>

Sent: November 21, 2025 3:07 PM

To: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>

Subject: FW: First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (Tribunal File No.: T1340/7008) - Proposed Interested Party, NCCC

Good afternoon,

Please find attached the following documents for filing for Tribunal File No.: T1340/7008:

1. Notice of Motion for Interested Party Status;
2. Affidavit of Chief Frost, sworn November 20, 2025;
3. Affidavit of Service; and
4. Letter to the Tribunal dated November 21, 2025.

Kindly confirm receipt and advise if any further information or additional materials are required to complete filing.

Thank you,

Mary

Mary Arulnesan

Assistant to Alissa Saieva-Finnie, Ethan Guthro & Alex DeParde

T 416.863.1500 x2454

F 416.863.1515

E marulnesan@airdberlis.com

Aird & Berlis LLP | Lawyers

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Toronto, ON M5J 2T9 | airdberlis.com



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This is Exhibit "F" of the Affidavit of Chief Pauline Frost, affirmed remotely by video teleconference by Chief Pauline Frost at Ottawa, Ontario, before me at Northside East Bay, Nova Scotia, on this 12th day of February, 2026.

Signed by:

A handwritten signature in black ink, appearing to read "Liam Smith".

84F1E9A704D443F...

A Commissioner for taking affidavits

LIAM SMITH

From: [CHRT Registry Office](#)
To: [Scott A. Smith](#); [Alex DeParde](#); [Liam Smith](#); [Tuma Young, KC](#)
Cc: [Mary Arulnesan](#)
Subject: FW: Request for additional pages - FNCFSC and AFN v. AGC (CHRT File T1340/7008)
Date: January 6, 2026 8:47:17 AM



Dear Counsel,

Please find below directionis from the Panel to the parties in this matter.

Thank you.

Judy Dubois

(she/her/elle)

Senior Advisor / Mandate and Member Services
 Labour and Human Rights Secretariat
 Administrative Tribunals Support Service of Canada / Government of Canada
judy.dubois@tribunal.gc.ca

Conseillère principale / Services au mandat et aux membres
 Secrétariat du travail et des droits de la personne
 Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada
judy.dubois@tribunal.gc.ca

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: January 5, 2026 4:01 PM
To: 'David Taylor' <DTaylor@conwaylitigation.ca>; Sarah Clarke <sarah@childandfamilylaw.ca>;
 Robin McLeod <robin@childandfamilylaw.ca>; Kiana Saint-Macary
 <ksaintmacary@conwaylitigation.ca>; Peter Mantas <pmantas@fasken.com>; Clive Ngan
 <cnngan@fasken.com>; gcyr@fasken.com; 'tsun@fasken.com' <tsun@fasken.com>;
 'Anshumala.Juyal@chrc-ccdp.gc.ca' <Anshumala.Juyal@chrc-ccdp.gc.ca>; khizer.pervez@chrc-
 ccdp.gc.ca; 'Vickery, Paul' <Paul.Vickery@justice.gc.ca>; 'Norris, Sarah-Dawn' <Sarah-
 Dawn.Norris@Justice.gc.ca>; 'Jones, Meg' <Meg.Jones@justice.gc.ca>; 'Anderson, Dayna (she; her |
 elle; la)' <Dayna.Anderson@justice.gc.ca>; 'Staska, Kevin' <Kevin.Staska@justice.gc.ca>; Bird, Sarah
 (she her elle la) <Sarah.Bird@justice.gc.ca>; Khan, Jon <Jon.Khan@justice.gc.ca>; Dueck-Read, Alicia
 (she her elle la) <Alicia.Dueck-Read@justice.gc.ca>; Aman.Owais@justice.gc.ca; Lupinacci, Adam (he
 him his il le lui) <adam.lupinacci@justice.gc.ca>; Maggie Wente <MWente@oktlaw.com>; Benjamin
 Brookwell <bbrookwell@oktlaw.com>; 'Sinéad Dearman' <SDearman@oktlaw.com>; Jessie Stirling-
 Voss <jstirling@oktlaw.com>; Katelyn Johnstone <kjohnstone@oktlaw.com>; Ashley Ash
 <aash@oktlaw.com>; Jenna Rogers <jrogers@oktlaw.com>; 'julianf@falconers.ca'
 <julianf@falconers.ca>; Asha James <ashaj@falconers.ca>; Shelby Percival <ShelbyP@falconers.ca>;
 meaghan@falconers.ca; David Schwartz <davids@falconers.ca>; Jordan Tully
 <jordan@falconers.ca>; 'justins@stockwoods.ca' <Justins@stockwoods.ca>; 'Stephen Aylward'
 <StephenA@stockwoods.ca>; Spencer Bass <SpencerB@stockwoods.ca>; 'Jasmine Kaur'
 <JKaur@conwaylitigation.ca>; Lloyd, Michelle (CHRC/CCDP) <michelle.lloyd@chrc-ccdp.gc.ca>;
 Darvill, Jillian (she; her | elle; la) <Jillian.Darvill@justice.gc.ca>; Perrault-Werner, Alisia (she her elle

la) <Alisia.Perrault-Werner@justice.gc.ca>; Anderson, Jackie (she her elle la) <Jackie.Anderson@justice.gc.ca>; Wong, Theresa (she her elle la) <Theresa.Wong@justice.gc.ca>; Adatia, Shireen (she her elle la) <Shireen.Adatia@justice.gc.ca>; Moores, James (he him il lui) <James.Moores@justice.gc.ca>; Lo, Mae Loraine (she her elle la) <MaeLorraine.Lo@justice.gc.ca>
Subject: Request for additional pages - FNCFSC and AFN v. AGC (CHRT File T1340/7008)

Dear Parties,

The Panel wishes to advise the parties as follows:

Happy New Year to everyone. The Panel has reviewed the Moving Parties' request for an additional nine pages for each of the COO, the NAN, and Canada, for a total of 27 additional pages to be allocated among the Moving Parties' facts as they see fit, as well as the proposal that the Caring Society and GIFN/TTN each also be entitled to an additional nine pages.

The Tribunal grants the request. The COO, the NAN, Canada, the Caring Society and the GIFN/TTN are each permitted an additional nine pages for their written submissions on the OFA approval motion.

The parties are asked to confirm whether January 21, 2026, is a feasible date for filing responses to the NCCC's motion seeking interested party status and, if not, to explain why. The Tribunal wishes to complete this round of submissions as expeditiously as possible. The Tribunal recognizes that, at the time the NCCC filed its notice of motion on November 21, 2025, the parties were already preparing for the OFA cross-examination hearing, and that some parties were simultaneously engaged in work on the National Long-Term Plan. The Tribunal is also mindful of the January 16, 2026 deadline; however, given the need to address the NCCC's motion without delay, the Tribunal requests that the parties provide their views on the proposed deadline by the end of this week.

Thank you.

Judy Dubois

(she/her/elle)

Senior Registry Officer / CHRT Registry Services
 On behalf of the Canadian Human Rights Tribunal
 Administrative Tribunals Support Service of Canada / Government of Canada
judy.dubois@tribunal.gc.ca

Agente principale du greffe / Services du greffe du TCDP
 Au nom du Tribunal canadien des droits de la personne
 Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada
judy.dubois@tribunal.gc.ca

This is Exhibit "G" of the Affidavit of Chief Pauline Frost, affirmed remotely by video teleconference by Chief Pauline Frost at Ottawa, Ontario, before me at Northside East Bay, Nova Scotia, on this 12th day of February, 2026.

Signed by:



84F1E9A704D449F...

A Commissioner for taking affidavits

LIAM SMITH

Alex DeParde

From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: January 16, 2026 11:33 AM
To: Scott A. Smith; Alex DeParde; Liam Smith; Tuma Young, KC
Cc: Mary Arulnesan
Subject: Schedule for NCCC motion for interested party status - FNCFCSC and AFN v. AGC (CHRT File T1340/7008)

Dear Counsel,

Please find below the schedule for submissions in the NCCC motion for interested party status.

Thank you.

Judy Dubois

(she/her/elle)

Senior Registry Officer / CHRT Registry Services
 On behalf of the Canadian Human Rights Tribunal
 Administrative Tribunals Support Service of Canada / Government of Canada
judy.dubois@tribunal.gc.ca

Agente principale du greffe / Services du greffe du TCDP
 Au nom du Tribunal canadien des droits de la personne
 Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada
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From: CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>
Sent: January 16, 2026 11:17 AM
To: 'David Taylor' <DTaylor@conwaylitigation.ca>; Sarah Clarke <sarah@childandfamilylaw.ca>; Robin McLeod <robin@childandfamilylaw.ca>; Kiana Saint-Macary <ksaintmacary@conwaylitigation.ca>; Peter Mantas <pmantas@fasken.com>; Clive Ngan <cngan@fasken.com>; gcyr@fasken.com; 'tsun@fasken.com' <tsun@fasken.com>; 'Anshumala.Joyal@chrc-ccdp.gc.ca' <Anshumala.Joyal@chrc-ccdp.gc.ca>; khizer.pervez@chrc-ccdp.gc.ca; 'Vickery, Paul' <Paul.Vickery@justice.gc.ca>; 'Norris, Sarah-Dawn' <Sarah-Dawn.Norris@Justice.gc.ca>; 'Jones, Meg' <Meg.Jones@justice.gc.ca>; 'Anderson, Dayna (she; her | elle; la)' <Dayna.Anderson@justice.gc.ca>; 'Staska, Kevin' <Kevin.Staska@justice.gc.ca>; Bird, Sarah (she her elle la) <Sarah.Bird@justice.gc.ca>; Khan, Jon <Jon.Khan@justice.gc.ca>; Dueck-Read, Alicia (she her elle la) <Alicia.Dueck-Read@justice.gc.ca>; Aman.Owais@justice.gc.ca; Lupinacci, Adam (he him his il le lui) <adam.lupinacci@justice.gc.ca>; Maggie Wente <MWente@oktlaw.com>; Benjamin Brookwell <bbrookwell@oktlaw.com>; 'Sinéad Dearman' <SDearman@oktlaw.com>; Jessie Stirling-Voss <jstirling@oktlaw.com>; Katelyn Johnstone <kjohnstone@oktlaw.com>; Ashley Ash <aash@oktlaw.com>; Jenna Rogers <jrogers@oktlaw.com>; 'julianf@falconers.ca' <julianf@falconers.ca>; Asha James <ashaj@falconers.ca>; Shelby Percival <ShelbyP@falconers.ca>; meaghand@falconers.ca; David Schwartz <davids@falconers.ca>; Erin McMurray <erinm@falconers.ca>; Jordan Tully <jordant@falconers.ca>; 'justins@stockwoods.ca' <JustinS@stockwoods.ca>; 'Stephen Aylward' <StephenA@stockwoods.ca>; 'Jasmine Kaur' <JKaur@conwaylitigation.ca>; Lloyd, Michelle (CHRC/CCDP) <michelle.lloyd@chrc-ccdp.gc.ca>; Darvill, Jillian (she; her | elle; la) <Jillian.Darvill@justice.gc.ca>; Perrault-Werner, Alisia (she her elle la) <Alisia.Perrault-Werner@justice.gc.ca>; Anderson, Jackie (she her elle la) <Jackie.Anderson@justice.gc.ca>; Wong, Theresa (she her elle la) <Theresa.Wong@justice.gc.ca>; Adatia, Shireen (she her elle la) <Shireen.Adatia@justice.gc.ca>; Moores, James (he him il lui) <James.Moores@justice.gc.ca>; Lo, Mae Lorraine (she her elle la) <MaeLorraine.Lo@justice.gc.ca>
Subject: Schedule for NCCC motion for interested party status - FNCFCSC and AFN v. AGC (CHRT File T1340/7008)

Dear Parties,

The Panel directs the National Children's Chiefs Commission (NCCC) motion schedule as follows:

Parties' submissions in response to the NCCC's motion by February 4, 2026;

NCCC reply by February 13, 2026.

Thank you.

Judy Dubois

(she/her/elle)

Senior Registry Officer / CHRT Registry Services

On behalf of the Canadian Human Rights Tribunal

Administrative Tribunals Support Service of Canada / Government of Canada

judy.dubois@tribunal.gc.ca

Agente principale du greffe / Services du greffe du TCDP

Au nom du Tribunal canadien des droits de la personne

Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada

judy.dubois@tribunal.gc.ca

This is Exhibit "H" of the Affidavit of Chief Pauline Frost, affirmed remotely by video teleconference by Chief Pauline Frost at Ottawa, Ontario, before me at Northside East Bay, Nova Scotia, on this 12th day of February, 2026.

Signed by:



84F1E9A704D443F...

A Commissioner for taking affidavits

LIAM SMITH

The Loving Justice Plan: First Nations Child and Family Services (Outside Ontario)

Filed pursuant to 2025 CHRT 80

December 22, 2025

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 ❤ Ywänonhwe' ❤ Kwano
 pinociyak ❤ Kisâkeeyawak awâsi
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 Xwexwistsít ❤ Kesalulek ❤ Koselomulpon ❤ Tshi huenemetin ❤ Kinē kizagînimin ❤ Kisagini
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"We ❤ You"

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Honouring

A. Honouring Statement: the voices of Indigenous youth

“The irony is that discriminating against Indigenous children and youth is an unnecessary expense for Canadians. Underfunding basic needs of Indigenous children and families actually costs governments more money in the long term than investing in the solutions. Canada has ignored the red flags for far too long by ignoring Indigenous voices and in some cases, directly invested in the discrimination against Indigenous children and youth. It is painful for survivors to imagine how their lives could have been if their well-being was honoured and respected but Canadians now have an opportunity to correct the inequalities and invest in bright and beautiful futures of all First Nations children and youth. It is not too late and hope is still alive that First Nations children and youth can not only survive but they can thrive.”¹

B. Honouring Statement from the National Children’s Chiefs Commission

In every child lies the promise of a better tomorrow: it is our collective responsibility to breathe life into that promise. This Plan begins with children because the work of ending Canada’s discrimination in First Nations Child and Family Services must be guided by the sacred place children hold in First Nations law, knowledge systems, languages, cultures—and in our hearts.

In this moment, we must remember how and why we came to be in this place. First Nations families have endured centuries of deliberate colonial policies designed to eradicate our cultures, languages, and worldviews. In targeting our children, these policies struck at the very heart of our Nations. Children were removed, harmed, and disconnected, while First Nations laws and systems of care were disregarded and displaced. This harm did not end in the past; it continues through ongoing discriminatory colonial child welfare policies that separate children from their families and communities

In First Nations knowledge systems, children are understood to arrive with inherent powers: gifts from the spirit world that bring a purity of vision and knowledge to teach those willing to listen from their souls. The failure to protect these inherent gifts, and the betrayal of trust that follows, is among the deepest traumas a family can endure. When children are

¹ Fayant, Gabrielle, and Ashley Bach, [A Follow-up Report of First Nations Youth of First Nations Youth in Care Advisors in Care Advisors](#), December 2021.

harmed, displaced, or disconnected, it is not only the child who suffers; the strength of families, clans, and Nations is diminished.

Our vision for the future is clear and enduring: that First Nations control our own lives and living conditions, live with dignity, and raise our children within our own laws, languages, and knowledge systems. Healing the wounds inflicted upon families is essential to realizing this vision. We must look to our resilient past and glean guidance from our stories of old, our myths, legends, and our ancestral teachings to forge a beautiful tomorrow. First Nations kinship systems are grounded in sacred responsibilities to teach, to care for one another, and to maintain balance for children and for those not yet born. They have always provided the pathway to well-being.

The spirit of this Plan comes from the children themselves. They have taught us about justice, fairness, forgiveness, and unconditional love. We honour First Nations children by affirming their right, in community with their Nations, to live their cultures, speak their languages, and be raised within their own systems of law, care, and belonging. In doing so, we affirm that protecting children's inherent gifts renews families, strengthens Nations, and upholds the collective responsibilities that carry the promise of generations yet to come.

C. Honouring Statement from Francis Verrault-Paul Regional Chief of the AFNQL and AFN Executive Portfolio Holder - Child and Family Services

This work is about our children and the sacred responsibility we carry as Nations. For generations, decisions were made about our children without us, and those decisions tore apart families, communities, and the threads of our cultures. Today, we stand at a turning point. These reforms are not just technical changes—they are a promise to our children that we will never allow discrimination to define their lives again.

As an Innu child, as an athlete and today as a leader, I have seen the strength and resilience of our families. I have also seen the harm caused when systems fail to recognize our rights, our dignity and humanity. The Canadian Human Rights Tribunal told the truth: Canada's discrimination was not an accident—it was systemic, and it lasted for decades. That truth must guide every step forward. We cannot settle for partial measures or temporary fixes. Our children deserve more than justice—they deserve loving justice, rooted in their languages, cultures, and communities.

Honouring this commitment means listening to the voices of those who have lived through these failures—youth who aged out of care without support, parents who fought to keep

their families together, and Elders who remind us that every child carries the spirit of their Nation. It means building systems that reflect who we are, not who others think we should be. It means funding that is fair, predictable, and based on need—not politics. It means an accountability process that is real, transparent, and enforced.

We must also remember that reconciliation is not a word on paper; it is action—real, positive action—rooted in the lessons of our past, and reaching forward to shape a better future. It is the courage to challenge old mindsets and dismantle structures that perpetuate harm. It is the humility to admit mistakes and the determination to turn forward with purpose to build what must endure. These reforms will only succeed if they are guided by our laws, our knowledge, and our vision for the future—a future where every child grows up safe, loved, and proud of who they are.

To the children: you are the heart of this work. You are not statistics or case files—you are sacred beings with dreams and gifts. We honour you by ensuring that the systems around you reflect your worth and protect your rights. We honour you by demanding that Canada does better—not someday, but now. And we honour you by standing together, as Nations, to make sure that this promise is kept for generations to come.

D. Honouring Statement from An lilxhl Majagalee, Dr. Cindy Blackstock, Executive Director of the First Nations Child and Family Caring Society of Canada

Elder Elmer Courchene said, “children deserve more than justice – they deserve loving justice.” Loving Justice is the full bloom of humility, spirit, love, wisdom, courage, respect, honesty and truth for every First Nations child and youth.

As Panel Chair Marchildon, Member Lustig and the late Member Belanger said in 2016 CHRT 2, “this decision concerns children.” It concerns the children, youth and families who came before and passed on the strength of our ancestors’ teachings despite experiencing heartbreakingly harmful acts, including death, at the hands of a country that consistently describes itself as a global leader and defender of human rights. When Prime Minister Harper apologized to residential school survivors on behalf of Canada, he said “the burden of this experience has been on your shoulders for far too long, the burden is properly ours as a government and as a country. There is no place for the attitudes that gave rise to residential schools to ever prevail again.”

As Canada fought to continue its discrimination at the beginning of the hearings in 2013 and, despite brief glimmers of progress, continues to fight today, I have always believed that if the forces for Loving Justice prevail and the children win the case—the government wins too. Because, as the diversity of children, youth and caring adults who attended the hearings—along with Spirit Bear—have always known, when First Nations children receive loving justice, the country does too.

Loving Justice has inspired the many, many individuals and groups like the National Children's Chiefs Commission and the Assembly of First Nations who have supported the Caring Society in bringing this complaint to devote thousands of hours in pursuit of the transformational justice that First Nations children have received—and will continue to receive—through this process. Their families have generously supported these efforts by sharing their time and commitment with our children, youth, and families, for which we remain deeply grateful.

Today and every day, caring people work directly with First Nations children, youth and families to love and support them through the perils of colonial trauma. They include cultural workers, social workers, child and youth workers, alternative care providers, prevention workers, band representatives, mental wellness and addictions professionals. We honour and thank you all.

Reconciliation embraces the challenge of learning from the past but finds its full meaning in what we do next. The ancestors have done their work, the children have done their work, and we have done ours. The incredible Elder and National Film Board documentary film maker, Alanis Obomsawin, has seen it all unfold from behind her camera and now longs to tell the end of the story so, what will Canada do next?

In the words of Maaxw Gibuu (Mary Teegee-Gray):

“Tender is the heart of a child. Their heart doesn’t understand politics, policies or prejudices. Their heart isn’t aware of decisions made on their behalf, except when it breaks.

Chief Dan George once said, “A child does not question the wrongs of grown ups, he suffers them”.

The sacred work of caring for our children is a gift bestowed upon us by our Creator. We honour those who have chosen to use their Creator given talents, tools and gifts to make this world a better place – one tender heart at a time.

We must never forget that we are the ancestors those not yet born will speak of, and for all those who have contributed to this great and important sacred work, they will speak your name in reverence and with love.”

1. A teaching from the Hon. Murray Sinclair²

Our children are the ongoing prize in the cultural war that Canada declared against us over 150 years ago. Canada may believe that the war is over, but until the automatic weapons it created as part of that war, have been taken from their hands or altered in fundamental ways, or disabled totally, the war continues of its own momentum.

The Child Welfare System, the Youth Justice System and the Educational System all function from the inherent, fundamental, belief, that we as parents in our own communities do not have the right to birth, raise, educate, discipline and protect our children from Canada's inherent racism.

Canada believes fervently in the benevolence of its policies and fails to accept its own failings, because we are the faces of those failings. They treat us poorly because we are not like them, and they ignore our wounds and the deaths that result from their actions – past and present – because we are not like them.

We are asked to help Canada do better – to be better – and we willingly accept that challenge because Canada must change. But the struggle to create the change that Canada must undergo will be resisted and it will be a constant repetition of “two steps forward, one step back”, or sometimes three. It will not be easy.

What our leaders must realize is that we too must change. We must stop playing the victim's role of looking to our abuser for the help we need. We must accept the challenge of standing up and walking on our own two feet. And we must walk to the beat of our own drum.

We must demand that our leaders show the leadership necessary to strengthen our communities.

We must demand that our leaders show the leadership necessary to strengthen our families.

We must demand that our leaders show the leadership necessary to strengthen our children.

We need leaders to fight that ongoing battle with the enemies on the outside of our walls, and we need leaders who will fight the enemies who are inside the walls. Our traditions have taught us that.

² Published on Senator Sinclair's website on [28 December 2017](#). Also published in Macleans Magazine on [11 January 2018](#).

Our children do not set out in life to fail. They want to be someone. We have to be the someones they want to be.

We have to tell them about those of us who have come from the same ground they stand upon, who have the same kinds of community, parents and history that they have, and who look just like them, who are someone.

We have to make them believe in us and we have to train them how to become someone and we have to let them try.

...then we have to create the blankets with which we can wrap them when they stumble and fall, and we have to love them enough to help them get up and walk again.

No one escapes this world unhurt and unharmed. We will all be bruised at some point. But our traditions have sustained the warrior spirit inside us for thousands of years and they hold the key to our future. We will not survive by being better at the whiteman's game than the white man. We will survive by being the best Anishinaabe we can be. Tell them I said this.

2. Introduction

The Loving Justice Plan is organized according to the engagement themes outlined in the National Engagement Guide, namely: 1) purpose, principles and definitions, 2) governance, 3) enforcement and durability, 4) funding commitments and arrangements, 5) accountability, 6) regional variations, 7) reform of Indigenous Services Canada, 8) research and outcome data, and 9) transitions and readiness. These themes were identified based on the direction of First Nations Rights Holders, Tribunal orders, and the best available evidence dating back nearly 30 years.

The content of each theme is informed by the wisdom of First Nations Elders and Knowledge Keepers, youth, and First Nations child and family service experts who participated in the 105 engagement sessions held across Canada pursuant to 2025 CHRT 80. Sixty-four of the submissions were for groups – of up to 91 participants. The National Children’s Chiefs Commission and the First Nations Child and Family Caring Society engaged with First Nations leaders and Rights Holders, Elders, youth and First Nations Child and Family Service (FNCFCS) experts to gather their perspectives on the components of this Plan. The “What We Heard” sections that follow provide summaries and illustrative quotations of the feedback shared during those engagements.

Their collective wisdom is critical to enabling regional variations to meet local needs, while building upon a national approach to long-term reform that sets fundamental minimum human rights standards and accountability mechanisms to permanently stop Canada’s discrimination in First Nations child and family services.

These reforms, in tandem with regional variations to reflect distinct cultures, languages and realities, will apply to First Nations child and family services excepting First Nations consenting to the application of the Ontario Final Settlement Agreement or its successors. Many First Nations that have affirmed, or are seeking to affirm, their own jurisdiction in child and family services in whole or in part are entitled to the benefits of these reforms as a minimum standard which ought to be upwardly adjusted to reflect the requirements of the respective First Nations law(s).

While recognizing the scope of the complaint, we urge Canada to take measures over and above those contemplated by this plan to extend these reforms and support substantively equitable and culturally appropriate First Nations Child & Family Services to all First Nations children wherever they reside, including off-reserve and in the Northwest Territories.

Throughout its process, the Loving Justice Plan demonstrates the love that First Nations have for their children, youth and families. There was no funding for this process, yet First

Nations governments and their experts joined with the National Children's Chiefs Commission and the Co-Complainants (the Caring Society and the Assembly of First Nations) to ensure the voices of Rights Holders are respected and the rights of their children, youth and families are upheld.

3. Purpose, Principles and Definitions

A. Purpose

Measure: Outlining Purpose, Scope and Interpretation

The Loving Justice Plan presents reforms intended to provide enduring protection for generations of First Nations children, youth, and families against Canada’s systemic discrimination in First Nations Child and Family Services (FNCFS)—discrimination that was substantiated in the 2016 CHRT 2 decision and subsequent rulings. These reforms are grounded in a decade’s worth of evidence collected since 2016 CHRT 2, as well as numerous earlier studies and recommendations, including the Royal Commission on Aboriginal Peoples, the Joint National Policy Review and the Wen:De reports, all of which were cited by the Tribunal in that landmark ruling. While Jordan’s Principle will be managed through a separate process, it will be considered wherever its provisions intersect with child and family services.

In accordance with the principles of intergenerational equity and substantive equality, Canada (Indigenous Services Canada and any successor department) is obligated to ensure that its actions result in effective, needs-based, and culturally appropriate outcomes that prioritize the best interests of First Nations children, youth and families. This includes upholding human rights as minimum standards, complying with relevant legislation and regulations, and supporting the distinct rights of First Nations and their children.

Where a measure in this plan has more than one interpretation, the interpretation most consistent with the spirit of the Tribunal’s orders including substantive equality and best interests of the child will prevail.

Rationale:

- CHRT Decisions/Jurisprudence
 - [2016 CHRT 2](#) at paras [463–465](#)
 - [2018 CHRT 4](#) at paras [236\(2\)](#) and [413\(2\)](#)
 - [2021 CHRT 41](#) at paras [348](#) and [545\(2\)](#)
 - *Ontario v Association of Ontario Midwives*, [2020 ONSC 2839](#) at para [189](#)
- First Nations-in-Assembly Resolutions
 - *60/2024: Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan’s Principle*, clause 3

- 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clauses 1(a) and (c)
- 87/2024: *Ensuring Fair and Equitable Inclusion of the Northwest Territories in the Child Welfare Compensation and Long-Term Reform Final Settlement Agreement*
- National Children's Chiefs Commission Terms of Reference, s. 4(B) (approved in 03/2025: *Approving Terms of Reference for FNCFS and Jordan's Principle Tables*)

B. Principles

What We Heard:

Engagement participants provided broad support for long-term reform principles that include: intergenerational equity, cultural continuity, culturally-based safety and well-being of children. Participants noted that principles should be clearly defined to ensure they are interpreted as intended. Several participants described the holistic and interconnected nature of wellness. This view of physical, emotional, spiritual and cognitive wellness invokes mind, body, spirit and heart, along with connections to community, family, cultural teachings, First Nations languages, and, especially, the land. Long-term reform, and its underlying principles, should reflect this concept of wellness.

“A holistic concept rooted in the child’s identity, culture, language, and community connections, not limited to safety or welfare in isolation.”

“Recognizing the interconnection of physical, emotional, cognitive, and spiritual wellness in the life of a child, family, and community.”

Participants called for clear, plain language definitions of key terms and the principles. Definitions should be developed in consultation with First Nations and should reflect unique First Nations perspectives. Key terms like “safety” “well-being” “family” and “best interests of the child” should not be imposed by Canada and, instead, must be based on the realities, knowledge systems and priorities articulated by First Nations themselves.

“They need to be built and written by each Nation, and what the Nation’s understanding of these terms may be. Not Canada’s understanding.”

“Participants stressed that key terms should appear directly within any long-term reform Final Agreement, plan, or order, rather than only being referenced

elsewhere. Without definitions, participants cautioned, core ideas risk being interpreted inconsistently or diluted in implementation.”

How funding is tied to definitions—especially colonial definitions—is a key concern among engagement participants. This plays out most prominently with terms like “on-reserve/off-reserve” or “ordinarily resident on reserve.” The on/off-reserve distinction is widely seen as itself rooted in racism and the *Indian Act*, inconsistent with Canada’s constitutional obligations towards First Nations, First Nations self-determination and self-governance, and generating additional discrimination wherever it is allowed to stand. Several participants noted that many people would live on-reserve if they could, but lack of housing, services and opportunities has forced them off-reserve. Losing access to substantively equal child and family services as a result of living off-reserve is experienced as deeply unfair.

First Nations children and youth identify with Aboriginal and Treaty Nations. They do not identify with Indian Act definitions about status Indians, or who lives on-reserve and who does not. They assert that their constitutional and statutory rights are not restricted to a reserve, traditional or treaty homeland, but remain with them no matter where they choose to live. This identity goes with them wherever they go or live. They want their nationhood, their clans, their families to come together to reclaim and restore their nation-to-nation relationships. First Nations governance and institutions in the field of family and children’s services are the way of the future.

“Families have left reserve for housing, education, and health. These families should still be the responsibility of the Nations in which they are members.”

“I would like to see ‘normally resident on reserve’ include ‘eligible to reside on reserve.’ We know that there are housing shortages in most, if not all, First Nations communities. Restricting services to children and families who would reside on reserve if housing was available is unfair.”

“Because of second generation cut offs, even though they live on reserve they may not have membership with the band. We are still responsible for them.”

Participants identified a number of terms and principles requiring careful definitions: “best interests of the child”; “child”; “family”; “kKin”; “cultural continuity”; “culturally based safety”; “intergeneration equity”; “substantive equality”; “well-being”; “structural drivers”.

Effective & Durable Remedies

1. All First Nations children, youth and families have the right, individually and collectively, to be free of all forms of discrimination and have access to effective remedies.

Rationale:

- Constitutional provisions
 - [Constitution Act, 1982](#), Article 35, being Schedule B to the [Canada Act 1982 \(UK\)](#), 1982, c 11
 - [Constitution Act, 1867 \(UK\)](#), 30 & 31 Vict, c 3, Article 132, reprinted in RSC 1985, Appendix II, No 5.
- Legislation
 - [Canadian Human Rights Act](#), RSC 1985, c H-6, [s. 2](#)
 - [Indigenous Languages Act](#), SC 2019, c 23, [Preamble](#) and [s. 6](#)
 - [An Act respecting First Nations, Inuit and Métis children, youth and families](#), SC 2019, c 24, [ss 9\(3\)\(b\)–\(d\)](#)
 - [United Nations Declaration on the Rights of Indigenous Peoples Act](#), SC 2021, c 14, [Preamble](#), [Annex: Preamble](#), Articles [2](#) and [22\(2\)](#)
 - [United Nations Convention on the Rights of the Child](#), Articles [2](#), [3](#), [12](#) and [19](#)
 - [Interpretation Act](#), RSC 1985, c I-21, [s. 8.3](#)
- CHRT Decisions
 - [2016 CHRT 10](#) at paras [15–16](#)
 - [2017 CHRT 14](#) at para [29](#)
 - [2018 CHRT 4](#) at para [387](#)
 - [2021 CHRT 41](#) at para [18](#)
 - [2022 CHRT 41](#) at para [227](#)
- First Nations-in-Assembly Resolutions
 - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 1(g)
 - National Children's Chiefs Commission Terms of Reference, s. 4(L) (approved in 03/2025: *Approving Terms of Reference for FNCFS and Jordan's Principle Tables*)
- Research and Evidence
 - Canadian Bar Association, “[Rights of the Child on Children's Access to Justice and Effective Remedies](#)” (26 August 2024)
 - UNICEF, “[In Focus: Access to justice for children](#)” (October 2024)

- [Maastricht Principles on the Human Rights of Future Generations](#), s. 30 (3 February 2023)
2. The order in 2016 CHRT 2 at para 481 that Canada “cease its discriminatory practices and reform the FNCFS Program [...] to reflect the findings in this decision” is a permanent injunction against Canada to cease its discriminatory conduct in First Nations child and family services. The permanent nature of this order upholds intra-generational equity and intergenerational equity and protects First Nations children and families for generations to come.

Rationale:

- Legislation
 - [Department of Indigenous Services Act](#), SC 2019, c. 29, s 336 at [Preamble](#), ss. 6(2)(a), 7(a), 10(2), 13
- CHRT Decisions
 - [2016 CHRT 2](#) at para 481
 - [2018 CHRT 4](#) at paras 34–43
 - [2019 CHRT 7](#) at paras 45–55
 - [2021 CHRT 41](#) at para 37
 - [2022 CHRT 8](#) at para 34
 - [2025 CHRT 80](#) at paras 59–64
- First Nations-in-Assembly Resolutions
 - *61/2024: Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clauses 1(a) and (c)
- Research and Evidence
 - Indigenous Services Canada, “[Jordan’s Principle guidance on the best interest of a child](#)” (23 December 2024)
 - Highlights the “intergenerational impacts of colonization, such as the impacts of the Indian Residential Schools system and 60’s scoop”
 - Prime Minister Harper, “[Statement of apology to former students of Indian Residential Schools](#)” (11 June 2008)
 - CHRC Book of Documents, Vol. 3, Tab 10: the apology recognized that “in separating children from their families, we undermined the ability of many to adequately parent their own children and sowed the seeds for generations to follow” and “[n]ot only did you suffer these abuses as children, but as you became parents, you were powerless to protect your own children from suffering the same experience”.

- Truth and Reconciliation Commission of Canada, “[Calls to Action](#)” (2015), numbers 1(v) and 3
- The Rome Declaration on [Safeguarding Seven Generations in times of Food, Social, and Ecological Crises \(2023\)](#), made at the UN Global Indigenous Youth Forum, hosted by the Food and Agriculture Organization of the United Nations in October 2023, at pp 2–3
 - “We demand justice, reparation and restoration for historical and intergenerational damages, recognizing the value of our knowledge and wisdom, custom and languages, including our food systems and the territories where life flourishes.”
- [Maastricht Principles on the Human Rights of Future Generations](#), s. 2, 5–7, 9, 13, (3 February 2023)
- Expert Advisory Committee, FSA Recommendations” (15 December 2025), p 1
- United Nations Committee on the Rights of the Child, “*General comment No. 26 (2023) on children’s rights and the environment, with a special focus on climate change*”, 93rd Sess., U.N. Doc. CRC/C/GC/26 (2023) at paras. 63–67. While in the environmental context, the UN Committee on the Rights of the Child stated: "While the rights of children who are present on Earth require immediate urgent attention, the children constantly arriving are also entitled to the realization of their human rights to the maximum extent."
- [United Nations Convention on the Rights of the Child](#), Article 2
- Government of Canada definitions of Intra- and Intergenerational Equity
 - In the [environmental context](#): **Intergenerational equity**: includes the importance of meeting the needs of the present generation without compromising the ability of future generations to meet their own needs.
 - In the context of [Labour Markets, Social Institutions, and the Future of Canada’s Children](#)
 - In the context of the [Department of Justice](#)’s priorities regarding the Implementation of UNDRIP (prevention and mitigation of generational harms caused by the forcible removal of Indigenous children).

Positive Outcomes for First Nations Children, Youth, Young Adults and Families

The Reformed FNCFS will be structured and implemented to achieve the following outcomes for First Nations children.

3. Holistic and culturally based safety and physical, emotional, spiritual and cognitive well-being for First Nations children, youth, young adults, and families, including preserving the child's cultural identity and connections to the language and territory of the First Nations group to which the child belongs;

Rationale:

- CHRT Decisions/Jurisprudence
 - [2016 CHRT 2](#) at para [106](#)
 - *Varley v Canada (Attorney General)*, [2025 FC 753](#) at paras [130–134](#)
 - *Fisher River Cree Nation v Canada (Attorney General)*, [2025 FC 561](#) at para [75](#)
 - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, [2024 SCC 5](#) at para [113](#)
 - *Reference to the Court of Appeal of Quebec in relation to An Act respecting First Nations, Inuit and Métis children, youth and families*, [2022 QCCA 185](#) at paras [476-485](#)
 - *Brown v Canada (Attorney General)*, [2017 ONSC 251](#) at paras [7, 52–53](#)
 - *Kina Gbezhgomi Child and Family Services v M.A.*, [2020 ONCJ 414](#) at paras [42-43](#)
 - First Nations-in-Assembly Resolutions
 - *40/2022: To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*, clause 1
 - National Children's Chiefs Commission Terms of Reference, ss. 4(A), (F) and (G) (approved in 03/2025: *Approving Terms of Reference for FNCFS and Jordan's Principle Tables*)
 - Research and Evidence
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025)
 - Pp 168 & 169 “Both indicators [of the existing FNCFS program] are focused on the safety of children with no consideration of their overall well-being.”
 - Truth and Reconciliation Commission of Canada, “[Calls to Action](#)”, number#5
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 4, 5, 6,7.
4. Substantive equality, striving for equality in outcomes rather than providing formally equal treatment, in keeping with the following:

- i. The rights and distinct needs of a First Nations child impacted by historic and contemporary disadvantage are to be considered to promote the child's ability to live the life they wish to have;
- ii. The rights and distinct needs of a First Nations child with a disability are to be considered to promote the child's participation, to the same extent as other children, in the activities of their family or the First Nations group, community, or people to which they belong;
- iii. A First Nations child must be able to exercise their rights and benefits, including those conferred under the Reformed FNCFS, including the right to have their views and preferences considered in decisions that affect them, and they must be able to do so without discrimination, including discrimination based on sex or gender identity or expression;
- iv. A First Nations child's family member must be able to exercise their rights and benefits, including those conferred under the Reformed FNCFS, including the right to have their views and preferences considered in decisions that affect them, and they must be able to do so without discrimination, including discrimination based on sex or gender identity or expression;
- v. The First Nation must be able to exercise without discrimination its rights, including those conferred under the Reformed FNCFS, including the right to have the views and preferences of the First Nation considered in decisions that affect that First Nation.

Rationale:

- Legislation
 - *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, ss. 9(3)(a)–(c)
- CHRT Decisions/Jurisprudence
 - *2016 CHRT 2* at paras 404, 455, 459, 465
- First Nations-in-Assembly Resolutions
 - *61/2024: Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 3
- Research and Evidence
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation 5.

- Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A performance budget approach to well-being](#)”, (2020)
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025)
 - First Nations Child and Family Caring Society of Canada, “[Wen:de – We are Coming to the Light of Day Reports](#)”, (2005)
5. The Best Interests of the First Nation Child are safeguarded, including the following factors to determine the best interests of the child:
- i. Primary consideration shall be given to ensuring the funding structure (including Canada’s design, management and control of FNCFS and all elements of Canada’s decision-making regarding FNCFS funding) protects the child’s right to holistic and culturally based safety and well-being.
 - ii. The child’s right to live up to their full potential, in line with their right to grow up with a sense of belonging, a sense of attachment, and access to basic necessities tied to personal dignity, including housing, health, education, and food security;
 - iii. The child’s cultural, linguistic, religious, spiritual knowing and being, and their inherent right be connected to traditional territory and to the land, generally;

Rationale:

- Legislation
 - [An Act respecting First Nations, Inuit and Métis children, youth and families](#), S.C. 2019, c. 24, ss. [9\(2\)\(c\)](#), [9\(2\)\(d\)](#), [10\(3\)\(a\)](#), [11\(a\)](#)
 - *Convention on the Rights of the Child*, arts. 6, 27, and 30
 - [General Comment 11: United Nations Committee on the Rights of the Child](#), sections 30–33: “When State authorities including legislative bodies seek to assess the best interests of an indigenous child, they should consider the cultural rights of the indigenous child and his or her need to exercise such rights collectively with members of their group”
- Research and Evidence
 - Truth and Reconciliation Commission of Canada, “[Calls to Action](#)”, number 1(ii)

- Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 4,5,6.
 - The Rome Declaration on [Safeguarding Seven Generations in times of Food, Social, and Ecological Crises \(2023\)](#), made at the UN Global Indigenous Youth Forum, hosted by the Food and Agriculture Organization of the United Nations in October 2023, at pp 2–3
6. The actual and changing FNCFS-delivery needs of First Nations children, youth, young adults, families, and communities, as First Nations and their child, youth and family service experts define their own needs, are met.

Rationale:

- Legislation
 - [An Act respecting First Nations, Inuit and Métis children, youth and families](#), S.C. 2019, c. 24, [s. 10\(3\)\(b\)](#)
 - [Indigenous Languages Act](#), [S.C. 2019, c. 23](#), Preamble, [s. 6](#)
- CHRT Decisions
 - [2016 CHRT 2](#) at paras [315](#), [347–348](#), [389](#), [422](#), [425–426](#), [448](#), [451–455](#), [458](#), [462–465](#), [482](#)
 - [2016 CHRT 16](#) at paras [18](#), [33–34](#), [38–41](#), [47](#), [60](#)
 - [2018 CHRT 4](#) at paras [63–67](#), [121](#), [143](#), [154](#), [163](#), [201](#), [206](#), [208](#), [222](#), [240](#), [252](#), [258](#), [264](#), [411](#), [416–418](#), [421](#), [436–437](#), [449](#)
 - [2022 CHRT 8](#) at para [34](#), [76](#), [109](#), [145](#), [149](#)
- First Nations-in-Assembly Resolutions
 - [61/2024: Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services](#), clauses 1(h), (j)(ii) and (k)
 - [40/2022: To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan’s Principle](#), clause 1
 - National Children’s Chiefs Commission Terms of Reference, ss. 4(B) and (F) (approved in 03/2025: [Approving Terms of Reference for FNCFS and Jordan’s Principle Tables](#))

7. The actual and evolving FNCFS delivery needs of First Nations children, youth, and families are defined by First Nations and their child, youth, and family service experts in a manner that is sustainable to ensure long-term positive outcomes for First Nations children. These needs take into account the distinct circumstances of First Nations communities, historical and ongoing disadvantage, and the structural drivers of child maltreatment and family crisis—many of which Canada is responsible for—including poverty, substance abuse, inadequate housing, and the loss of language and culture.

Rationale:

- CHRT Decisions
 - [2016 CHRT 2](#) at paras [344](#), [388](#), [455](#), [462–465](#)
 - [2016 CHRT 16](#) at paras [18](#), [33](#), [38](#), [160\(A\)\(2\)](#)
 - [2018 CHRT 4](#) at paras [163](#), [237](#), [264–265](#)
 - First Nations-in-Assembly Resolutions
 - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 1(k)
 - Research and Evidence
 - Truth and Reconciliation Commission of Canada, “[Calls to Action](#)”, numbers 1(i)-(v), 2 and 5
 - [Prime Minister Harper’s apology on behalf of Canadians for the Indian Residential Schools system](#) (11 June 2008)
 - “The government now recognizes that the consequences of the Indian Residential Schools policy were profoundly negative and that this policy has had a lasting and damaging impact on Aboriginal culture, heritage and language.”
 - “The burden of this experience has been on your shoulders for far too long. The burden is properly ours as a Government, and as a country. There is no place in Canada for the attitudes that inspired the Indian Residential Schools system to ever prevail again. You have been working on recovering from this experience for a long time and in a very real sense, we are now joining you on this journey.”
8. The child’s participation, views and preferences inform FNCFS-delivery, giving due weight to the child’s age and maturity, unless they cannot be ascertained.

Rationale:

- Legislation
 - [An Act respecting First Nations, Inuit and Métis children, youth and families](#), S.C. 2019, c. 24, [ss.9\(3\)\(b\)](#) and [10\(3\)\(e\)](#)
 - [United Nations Convention on the Rights of the Child](#), Article 12
- Research and Evidence
 - Department of Justice Canada: “[Article 12 of the Convention on the Rights of the Child and Children’s Participatory Rights in Canada](#)”
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation, p 2, Recommendations 2, 3, 9, 10.

9. Cultural and linguistic continuity are established as essential to the holistic and culturally based safety and well-being of First Nations children, youth, families and communities, including the following:

- i. The restoration and transmission of the languages, cultures, spirituality, practices, customs, traditions, ceremonies, and knowledges of First Nations peoples is integral to cultural continuity;
- ii. A child's best interests are often promoted when the child resides with members of his or her family, the culture of the First Nations group, community, or people to which he or she belongs is respected, and the child is connected to their traditional territory;
- iii. Child and family services provided in relation to a First Nations child are to be provided in a manner that does not contribute to the assimilation of the First Nations group, community or people to which the child belongs or to the destruction of the culture of that Indigenous group, community or people;
- iv. Where a child is in alternative care, supports must be provided to ensure the child's needs are met including connection to culture and language and;
- v. The characteristics and challenges of the region in which a First Nations child, a First Nations family or a First Nations group, community or people is located are to be considered.

Rationale:

- Legislation
 - *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, [s 9\(2\)](#)
 - *United Nations Declaration on the Rights of the Indigenous Peoples Act*, [S.C. 2021, c. 14](#),
 - [Preamble](#)
 - Annex, Articles [8\(1\)](#), [8\(2\)](#), [12](#), [13](#), [14\(3\)](#), [22](#)
- CHRT Decisions
 - [2016 CHRT 2](#) at paras [457–465](#)
 - [2018 CHRT 4](#) at para [21](#)
- Research and Evidence
 - Truth and Reconciliation Commission of Canada, “Calls to Action”, numbers 1(ii) and 5

- Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation, Recommendations 4, 6, 8.

Reconciliation and Human Rights

Canada’s conduct in the design, management and control, implementation and evaluation of the Reformed FNCFS will recognize a positive obligation and be aligned with the following:

10. Canada’s commitments to reconciliation require fundamental changes to FNCFS consistent with the Truth and Reconciliation Commission Final Report and Calls to Action and the National Inquiry into Missing and Murdered Indigenous Women and Girls’ Calls for Justice related to the child and family services.

Rationale:

- Legislation
 - *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, [Preamble](#)
- CHRT Decisions/Jurisprudence
 - [2018 CHRT 4](#) at paras [61, 77](#)
 - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, [2024 SCC 5](#) at paras [21](#) and [44](#)
- First Nations-in-Assembly Resolutions
 - National Children’s Chiefs Commission Terms of Reference, s. 4(H) (approved in 03/2025: *Approving Terms of Reference for FNCFS and Jordan’s Principle Tables*)
- Research and Evidence
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation, Recommendations 5, 9, p 8
 - United Nations Committee on Economic, Social and Cultural Rights concluding observations on the sixth periodic report of Canada (23 March 2016) [E/C 12/CAN/CO/6](#), paras 35–36

11. The *United Nations Declaration on the Rights of Indigenous Peoples Act* affirms the Declaration as a universal international human rights instrument with application in Canadian law and provides a framework for the Government of Canada’s implementation of the Declaration;

Rationale:

- Legislation
 - *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c. 14, [s. 4](#)
- Jurisprudence
 - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, [2024 SCC 5](#) at paras [4-5](#)
 - *Gitxaala v British Columbia (Chief Gold Commissioner)*, [2025 BCCA 430](#) at paras [78, 126-129](#)
- First Nations-in-Assembly Resolutions
 - *89/2024: Renewing Negotiations Toward Long-Term Reform of First Nations Child and Family Services and Jordan’s Principle*, clause 3
 - National Children’s Chiefs Commission Terms of Reference, s. 5 (approved in *03/2025: Approving Terms of Reference for FNCFS and Jordan’s Principle Tables*)
- Research and Evidence
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 2, 7, 8.

12. Canada recognizes that the honour of the Crown guides the conduct of the Crown, and is the measure against which that conduct is assessed, in all its dealings with First Nations peoples, including FNCFS reform, giving rise to the duty to consult and the duty of purposive and diligent implementation.

Rationale:

- CHRT Decisions/Jurisprudence
 - [2016 CHRT 2](#) at paras [104-110](#)
 - [2017 CHRT 14](#) at paras [116-120](#)
 - *Haida Nation v British Columbia*, [2004 SCC 73](#) at para [16](#)
 - *Mikisew Cree First Nation v Canada (Minister of Canadian Heritage)*, [2005 SCC 69](#) at para [33](#)
 - *Mikisew Cree First Nation v. Canada (Governor General in Council)*, [2018 SCC 40](#) at paras [26, 44-45](#)
 - *Ontario (Attorney General) v Restoule*, [2024 SCC 27](#) at paras [254-263](#)
 - *Quebec (Attorney General) v Pekuakamiulnuatsh Takuhikan*, [2024 SCC 39](#) at paras [185-192](#)
 - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, [2024 SCC 5](#) at paras [63-65](#)

- *St. Theresa Point First Nation v Canada*, [2025 FC 1926](#) at paras [125–127](#)
- First Nations-in-Assembly Resolutions
 - 90/2024: *Safeguarding First Nations Children and Holding Canada Accountable for its Canadian Human Rights Tribunal Legal Obligations*, clause 4
 - 88/2024: *Implementing the Chiefs' Direction to End Canada's Discrimination in First Nations Child and Family Services*, clause 3
 - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 5

13. Canada recognizes that all relations with First Nations peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government.

Rationale:

- Constitutional Provisions
 - [Constitution Act, 1982](#), s [35](#), being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.
- Legislation
 - [An Act respecting First Nations, Inuit and Métis children, youth and families](#), S.C. 2019, c. 24, ss. [8\(a\)](#), [18\(1\)](#)
 - [United Nations Declaration on the Rights of Indigenous Peoples Act](#), [S.C. 2021 c. 14](#), Annex, Preamble, articles 3 and 9
 - The right of Indigenous peoples to self-determination under article 3, has a direct impact on many areas that are directly addressed in the Convention of the Rights of the Child (“CRC”). This includes legislation concerning child and family services (Article 20 of the CRC). Indigenous self-determination facilitates the development of child welfare legislation that ensures Indigenous children are not separated from their families and communities except as a last resort (Declaration, Article 22(2)). While the CRC does not explicitly reference self-determination, implementing CRC rights for Indigenous children *requires* respect for Indigenous self-government as outlined in UNDRIP.
- Jurisprudence
 - [Reference re An Act respecting First Nations, Inuit and Métis children, youth and families](#), [2024 SCC 5](#) at paras [4–6](#), [56–66](#)

- *Kebaowek First Nation v Canadian Nuclear Laboratories*, [2025 FC 319](#) at para [130](#)
 - *Gitxaala v British Columbia (Chief Gold Commissioner)*, [2025 BCCA 430](#) at para [78, 126-129](#)
 - *R v Desautel*, [2021 SCC 17](#) at para [86](#)
 - First Nations-in-Assembly Resolutions
 - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 5
 - 60/2024: *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle*, clause 3
 - 87/2024: *Ensuring Fair and Equitable Inclusion of the Northwest Territories in the Child Welfare Compensation and Long-Term Reform Final Settlement Agreement*
 - 40/2022: *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*, clause 2
14. Consistent with the standard of free, prior and informed consent, Canada recognizes that First Nations are in the best position to determine the legal mechanisms, instruments, information, resources and processes to affirm jurisdiction, in whole or in part, over matters relating to their children, youth and families, and require complete and accurate information in order to do so. Canada must recognize and take positive measures to support and affirm the self-determined legal mechanism(s) that First Nations choose to exercise their jurisdiction in relation to child and family services.

Rationale:

- Constitutional Provisions
 - [Constitution Act, 1982](#) s [35](#), being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.
- Legislation
 - [An Act respecting First Nations, Inuit and Métis children, youth and families](#), S.C. 2019, c. 24, [Preamble](#), ss. [8\(a\)](#) and [18\(1\)](#)
 - *Department of Indigenous Services Act*, [S.C. 2019, c. 29](#), s. 336, s 7
- CHRT Decisions/Jurisprudence
 - [2021 CHRT 41](#) at para [237](#)
 - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, [2024 SCC 5](#) at paras [23, 50](#), citing Hon. Seamus O'Regan, P.C.,

- M.P., Minister of Indigenous Services in House of Commons debate on third reading of Bill C-92
- *Kebaowek First Nation v Canadian Nuclear Laboratories*, [2025 FC 319](#) at paras [92–134](#)
 - First Nations-in-Assembly Resolutions
 - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 1(b)
 - National Children's Chiefs Commission Terms of Reference, s. 4(B)(i) (approved in 03/2025: *Approving Terms of Reference for FNCFS and Jordan's Principle Tables*)
 - Research and Evidence
 - Expert Advisory Committee, “FSA Recommendations” (15 December 2025), Recommendation #2, p 2
 - Truth and Reconciliation Commission, “[Calls to Action](#)”, numbers 1(iv)

Accountability & Transparency

15. The starting premise for long-term reform must be accountability, openness and transparency. All negotiations and information relating to implementation of these reforms should be, to the maximum extent possible, transparent. Transparency ensures accountability. Transparency and accountability, together, help end discrimination and prevent its reoccurrence.

Rationale:

- First Nations-in-Assembly Resolutions
 - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 1(a) and (d)
 - 60/2024: *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle*, clauses 3, 9
- Research and Evidence
 - OHRC, “[Chapter 9 – Accountability and monitoring mechanisms: gaps in data management, performance review, and public transparency](#)”
 - For anti-discrimination policies and procedures to make real change, there must be strong accountability mechanisms in place that are used with transparency, which in turn promotes public confidence (in the context of anti-black racism within Ontario’s police force).
 - Global Affairs Canada, “[Advancing Human Rights](#)” (24 January 2024)

- Importance placed on transparency and accountability in advancing human rights, as evidenced by GAC's tool for evaluating funding applications for Canadian funding on international development initiatives.
- OHRC, “[Anti-Racism and Organizational Change: A Guide for Employers](#)” (23 October 2023)
 - For “maintaining changes and improvements long-term, a culture of framework and accountability is needed” (in the context of preventing systemic discrimination and racism in the workplace).
- Assembly of Seven Generations, “Accountability in our Lifetime: A Call to Honour the Rights of Indigenous Children and Youth” (2021).
 - “Accountability mechanisms must lay the groundwork for harm prevention, from domestic abuse to systemic violence, in order to address the structural interventions that are required to move towards the holistic well-being of Indigenous youth.”
- Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation 2, 5, 10, p 8
- Expert Advisory Committee, “FSA Recommendations” (15 December 2025), Recommendation #3, p 2–3

C. Definitions

- a. **“Access to Justice”** means positive, public and effective measures to disclose all effective judicial remedies to redress any recurrence of discrimination and access to sufficient quality resources, including funding for legal fees, to give effect to such remedies.
- b. **“AFN”** means the Assembly of First Nations.
- c. **“Alternative Care”** means a person(s) or entity who has primary responsibility for providing the day-to-day care of an Indigenous child, other than the child’s parent, including in accordance with the customs or traditions of the Indigenous group, community or people to which the child belongs.
- d. **“Block funding”** means funds provided for child and family service purposes under a contribution agreement or statute to be used by service providers with flexibility to meet needs in communities. Carry forwards are allowed and unexpended funds can be retained. Associated terms and conditions should align to the spirit and intent of the Reformed Funding Approach and uphold

the Orders.

- e. **“Canada”** means His Majesty the King in Right of Canada and his successors including as represented by Indigenous Services Canada (ISC) and its successors.
- f. **“Capacity”** means the adequate supports, financial and human resources, time, and infrastructure required to ensure a First Nation(s), First Nations child and family service agency or other First Nations authorized FNCFS provider to design and operate FNCFS and related services, interventions and is consistent with the Act and provincial or First Nations child and family services legislation and corollary legislation.
- g. **“Capital”** means the long-term investments related to infrastructure that supports the delivery of FNCFS. This includes: construction, maintenance and operation of buildings, acquisition of vehicles and recapitalization (i.e., provision to replace an existing structure at the end of its natural life).
- h. **“Caring Society”** means the First Nations Child and Family Caring Society of Canada.
- i. **“Child maltreatment”** means all types of physical and/or emotional maltreatment, sexual abuse, neglect, negligence, and commercial and other exploitation, which results in actual or potential harm to the child’s safety, including culturally based safety, and well-being, best interests, development, and/or dignity in the context of a relationship of responsibility, trust or power.
- j. **“Child Participation”** means (a) a child’s rights under *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, including the right to have their views and preferences considered in decisions that affect the child, without discrimination, including discrimination based on sex or gender identity or expression; and (b) consideration of the rights and distinct needs of a child with a disability in order to promote the child’s participation, to the same extent as other children, in the activities of the child’s family or the Indigenous group, community or people to which the child’s belongs.
- k. **“Child removal”** means the placement of a child in alternative care pursuant to applicable child and family services legislation including but not limited to children placed in care by court order or through agreements with the child’s guardian(s) and the child and family service authority designated

under provincial/territorial or First Nations law.

- l. **“Complainants”** means the Caring Society and the AFN.
- m. **“Culturally Appropriate”** means reflective and responsive to the distinct First Nation(s) culture, including language, of the child and their family.
- n. **“Effective Remedies”** means process and outcomes to stop Canada’s discrimination, prevent its recurrence and restore the dignity of those affected including, but not limited to, (a) equal and effective access to justice (b) adequate, effective and prompt reparation for harm related to the discrimination and (c) access to relevant information concerning violations and reparation mechanisms.
- o. **“Emergencies”** means a serious event that raises the level of risk to the physical, emotional and psychological safety and well-being of First Nations children, youth and families requiring immediate and effective responses.
- p. **“Expert Advisory Committee (EAC)”** means an independent and public committee of multi-disciplinary experts formed by 2022 CHRT 4 and funded by Canada to assess and publicly comment on the causes and conditions of Canada’s discriminatory conduct and associated remedies.
- q. **“Family”** includes a person whom a child considers to be a close relative or whom the First Nations group, community, or people to which the child belongs considers, in accordance with the customs, traditions or customary adoption practices of that Indigenous group, community or people, to be a close relative of the child.
- r. **“First Nations”** means a government authorized by First Nations citizens but excludes First Nations who are subject to the Ontario Final Agreement.
- s. **“First Nations Child and Family Services (FNCFS)”** means services to protect First Nations children and youth from maltreatment and to support families to safely care for their children, including primary, secondary and tertiary prevention services, early intervention services, least disruptive measures, child protection, guardianship services, kinship and customary care, alternative care, respite care, post-majority care, reunification, adoption, custom adoption, and dispute resolution that ensure the full enjoyment of the national standards in an *Act Respecting First Nations, Métis, and Inuit children, youth and families*. It also includes services and products required to enable child and family services such as,

but not limited to: (1) development of Indigenous child and family services laws, (2) governance, (3) legal, (4) research (including data collection and analysis), (5) human resources, (6) capital resources (i.e.: buildings, vehicles, information technology), (7) communication technology, office equipment/supplies, (8) standards, and (9) design and evaluation to deliver such services and (10) supports for kinship and customary and alternative care providers.

- t. **“First Nations Child and Youth Rights Impact Assessment”** An evaluation carried out by the National FNCFS Technical Table that will review and publicly report on the child and youth rights impacts of all federal proposed legislation, budgets, policy, agreements and conduct related to First Nations child and family services prior to it coming into force except where prohibited by law.
- u. **“First Nation not affiliated with a FNCFSA”** means a First Nation that receives statutory child and family services from a province/territory and/or non-Indigenous child and family service provider and is not affiliated with a FNCFSA.
- v. **“First Nations child”** means a First Nations person or persons who, under applicable provincial or territorial law, is under the age of which an individual ceases to be a child, and includes the following:
 - i. The child is registered or eligible to be registered under the *Indian Act*, as amended from time to time;
 - ii. The child has one parent/guardian who is registered or eligible to be registered under the *Indian Act*;
 - iii. The child is recognized by their First Nation; or
 - iv. The child is ordinarily resident on-reserve.
- w. **First Nations Child and Family Service Experts (FNCFS Experts)** means persons, groups or organizations recognized by First Nations as having expertise in child and family service practice and/or policy and/or evaluation and other related areas.
- x. **“First Nations Child and Family Service Agency”** (FNCFSA) means an agency authorized by and affiliated with one or more First Nations and delegated or authorized, in whole or in part, pursuant to provincial or other authorities to provide legislated child and family services, and also includes

any service provider, other than a First Nation, that was funded to deliver child and family services (including non-delegated prevention services) by Canada under FNCFS in any of fiscal years 2022-2023, 2023-2024, 2024-2025, or 2025-2026.

- y. **“First Nations providing child and family services pursuant to their own laws”** means First Nations providing child and family services, in whole or in part, in accordance with their own laws and the regime implemented under *An Act Respecting First Nations, Métis and Inuit children, youth and families* and/or other mechanisms recognizing their inherent, Aboriginal, Treaty, and/or self-government rights.
- z. **“First Nations Representative”** means a person or group that is authorized by a First Nation to make representations on behalf of the First Nation in child and family service matters.
- aa. **“First Nations Representative Services”** means the research and development of an inventory of a range of services provided across regions to support First Nations children and families in contact with the child and family services sector, including by providing guidance and advocacy and making representations in civil proceedings in respect of the provision of child and family services to a First Nations child.
- bb. **“First Nations young person”** means a person who is between the age of majority as set out in the relevant, First Nations, provincial, or territorial law and 25 years of age (or such older age as may be set out in the applicable First Nations, provincial or territorial law) and includes:
 - i. The youth reside on or off reserve or in the Yukon and is registered or eligible to be registered under the Indian Act, R.S.C., 1985, c. I-5, as amended from time to time;
 - ii. the youth have one parent or guardian who is registered or eligible to be registered under the Indian Act, R.S.C., 1985, c. I-5;
 - iii. the youth reside on or off reserve or in the Yukon and is recognized by their First Nation; or
 - iv. the youth is ordinarily resident on-reserve.
- cc. **“Fully Reformed Funding Approach”** means a funding approach that adopts the Reformed Funding Approach as a funding base, adjusted

annually for inflation and population, for FNCFSAs, First Nations not affiliated with a FNCFSA, and other service providers, which will also have the capacity to track Measuring to Thrive indicators and adjust funding upwards to address increases in need. The Fully Reformed Funding Approach will adjust to the actual needs and distinct circumstances of First Nations children over time and address any recurrence of discrimination. Implementation of this approach is not currently possible given the lack of child-specific data collection and analysis supports but will be possible if the Reformed Funding Approach is fully implemented and baseline child-specific data is collected, analyzed and published.

- dd. **“Funding at Actuals”** means funding that is based on the actual cost of the product, asset or service (also referred to as “actuals”).
- ee. **“Funding Commitment”** means any resources, including financial resources payable or provided by Canada or its agents to fulfill the Purpose of these reforms.
- ff. **“Funding Mechanism”** means any arrangement including associated policies and conduct intended to transfer funding from the Government of Canada or its agents to another entity for the purposes of FNCFS.
- gg. **“Inflation”** means a minimum annual adjustment of 2% adjusted upwards to the Consumer Price Index (CPI) where it exceeds 2%.
- hh. **“Intergenerational Equity”** means positive duty on Canada to give due regard to the best interests and rights of future generations of First Nations children and the long term implications of its conduct including the rights of future generations to fully enjoy their to grow up as members of their Nation, the enjoyment of their culture and language(s), their rights to land and the minimum standards afforded to them in the United Nations Convention on the Rights of the Child, the United Nations Declaration on the Rights of Indigenous Peoples, the Canadian Human Rights Act and other legal human rights standards and instruments.
- ii. **“Least Disruptive Measures”** means statutory secondary and tertiary prevention services required by the Act and/or provincial or First Nations child and family service legislation to address child maltreatment risk factors, including **Structural drivers**, for child(ren) who experience, or are likely to experience, a high risk of child maltreatment and services to children and families to support a child in alternative care’s safe

reunification with their family, including extended family.

- jj. **“Measuring to Thrive”** means a set of indicators developed by FNCFS experts with the IFSD to define and monitor child and family service outcomes for the well-being of First Nations children, youth, families, and communities.
- kk. **“Minimum Base Funding”** means the minimum funding required to deliver First Nations child and family services.
- ll. **“National Oversight Council”** means a First Nations-led body, constituted and mandated by rights holders, established to provide ongoing oversight and strategic direction for the implementation, operationalization and governance of the Reformed FNCFS. It will consist of representatives appointed by First Nations from each region through their own self-determined processes, including Elders/knowledge-keepers and youth representatives. A core mandate will be to oversee and guide the design, management, and control of the reformed FNCFS ensuring that the implementation of reform is aligned with the principles and attains long-term positive outcomes for First Nations children.
- mm. **“National Secretariat”** means non-political technical secretariat functions to collect regional and national data on First Nations children, youth, and families relevant to First Nations Child and Family Services, conduct and disseminate research, best practices, and professional and public education.
- nn. **“National Technical Advisory Committee”** means one or more Technical Expert Advisory Committee(s) on First Nations Child and Family Services approved by the National Oversight Council to provide advice on the design, implementation and evaluation of First Nations child and family services.
- oo. **“Non-reallocation”** means pursuant to 2018 CHRT 4 at para. 422 Canada must not reallocate funds from other social programs, especially housing, to fund its obligations pursuant to the Orders and related agreements.
- pp. **“Orders”** means decisions and orders made by the Tribunal or Courts respecting First Nations Child and Family Caring Society et al. v. Attorney General of Canada T1340/7008.
- qq. **“Ordinarily Resident on-Reserve”** means that the individual or their caregiver:

- i. maintains a primary residence on-reserve;
 - ii. usually lives on-reserve but is temporarily residing off-reserve for purposes related to health, education, poor housing, or to access other services that are not available on-reserve; or
 - iii. wishes to live on-reserve and is on a waiting list to secure housing on-reserve.
- rr. **“Population served”** includes all residents on-reserve (regardless of status) and in the Yukon and persons off-reserve who meet the substantive equality-informed definition of being Ordinarily Resident On-Reserve.
- ss. **“Post Majority Services”** means services, supports and products provided to a First Nations Young Person who was in care as of the day they reached the age of majority and are eligible for post majority services.
- tt. **“Public Funding Review”** a review to be completed every five years by an independent, non-political expert who is qualified in public finance and has experience working on matters relating to First Nations and First Nations child and family services in order to ensure that the Reformed Funding Approach, and ISC’s related conduct, are meeting the needs of First Nations children and is adequate for First Nations service providers to meet statutory child and family services requirements.
- uu. **“Reformed Funding Approach”** means evidence-informed, First Nations-led, transparent, multi-year, performance-informed funding structure(s) that shall support and promote the substantive equality and best interest rights of First Nations children, youth, and families receiving, or eligible to receive, child and family services. Funding levels shall be calibrated to achieve substantive equality and shall be determined based on the actual needs of First Nations children, youth, and families, based on the following considerations:
- i. Funding shall be culturally appropriate and enable holistic services targeting the structural drivers, focused on prevention and based on the actual needs of First Nations children, youth, and families, taking full account of the unique circumstances of the respective First Nation(s), including their historical, cultural, and geographical needs and circumstances.
 - ii. Funding shall address, through culturally based child and

family services, the structural drivers and root causes of the over-representation of First Nations children and youth encountering the child and family service system.

- iii. Funding shall not be subject to downward adjustments or other adverse conduct by Canada and will be determined pursuant to an evidence-based approach linking a multi-year, performance informed, flexible funding structure (block approach that permits the service-provider to reinforce successes in prevention by re-investing protection savings arising from reduction of the rate of children in care into still greater prevention activities) that permits needs-based and bottom-up budgeting to support well-being, as informed by the Measuring to Thrive framework, which was developed through community-driven evidence-informed research.
 - iv. Funding shall ensure that outcome data on First Nations children, youth, and families can be collected and analyzed to monitor for the recurrence of discrimination, inform child and family services interventions, and calibrate resources to any increased need.
 - v. Funding Mechanisms and related policies, practices and mechanisms shall be measured against the Purpose and Principles of the Loving Justice Plan, and Canada's legal obligations.
- vv. **“Regional Variations”** mean variations that meet or exceed the Reformed Funding Approach and address variations due to region-specific considerations that require accommodation to address ongoing discrimination
- ww. **“Remoteness”** means a variable factor measured on a continuum and describes the lived circumstances of First Nations communities for whom issues of access (by road network, by ice road only, by air only, or otherwise), geography, and context exacerbate challenges faced by all First Nations, including increasing the costs associated with child and family services. Remoteness is generally associated with geographic distance from, and access to, service centres (often defined based on population size and density), which affects the costs of shipping goods as well as costs

- related to personnel, including travel, and living costs.
- xx. **“Reunification”** means any process to reunite children and youth in alternative care or formerly in alternative care with their family, extended family or First Nation.
- yy. **“Retaliation”** Any conduct by Canada or its agents, including economic retaliation and other conduct inconsistent with the *United Nations Declaration on the Right and Responsibility of Individuals, groups, and Organs of Society that seek to protect Universally Protected Human Rights and Fundamental Freedoms* that seeks to frustrate the efforts of peaceful human rights defenders to uphold the human rights of First Nations children, youth, young adults and families set out in these reforms and/or related to First Nations Child and Family Caring Society of Canada et al. v Attorney General of Canada T1340/7008.
- zz. **“Special Purpose Allotment”** (SPA) means a specific authority in the Treasury Board Transfer Policy designed to protect funds from departmental internal vote transfers as with authority to carry over funding across fiscal years.
- aaa. **“Structural drivers”** mean factors that are largely out of a caregiver or caregivers’ control, including factors linked to Canada’s conduct, which reinforce, perpetuate or exacerbate disadvantage for First Nations children, youth, and their families and/or which contribute to the overrepresentation of First Nations children and youth in the child and family service system, including:
- i. poverty;
 - ii. poor housing;
 - iii. exclusion factors like racism, systemic racism, and colonialism; and
 - iv. multi-generational trauma, manifested as substance misuse and intimate partner violence.
- bbb. **“Transition Period”** means the period during which an FNCFS Agency or First Nation undergoes the process of changing from the current state to a desired future state.
- ccc. **“Tribunal”** means the Canadian Human Rights Tribunal.

ddd. “**Young Adult**” means a First Nations person aged between the age of majority in the jurisdiction of their residency up to and including age 25 eligible for post-majority services.

4. Governance

What We Heard:

Engagement participants stated very clearly that First Nations Rights Holders are central to decision-making regarding children, youth and families. Rights Holders are responsible for the safety and well-being of children and families and must actively participate in governance processes to ensure that reform reflects First Nation ways. Among Rights Holders, the voices of Elders and youth with lived experience in care deserve particular consideration. Both are seen as providing important perspectives grounded in personal experience and wisdom and should play an advisory role in governance.

“A future governance model should be grounded in decision-making authority that flows from Rights Holders.”

“First Nations Rights Holders must be at the centre of the ongoing governance of long-term reform and the implementation of any final orders from the Tribunal. They play a foundational role.”

“Create mechanisms that enable rights holders to participate meaningfully in governance processes. Recognize their role as community experts and ensure they have significant influence in the reform decision-making process”

“Elders should guide reform as knowledge keepers and moral authorities, grounding system changes in Indigenous law, tradition, and relational accountability.”

“Youth who have experienced the system firsthand must be meaningful contributors to the governance of reform, not token representatives. Their lived experience provides the most authentic insight into where systems fail and what supports create stability.”

Participants provided clear guidance on the essential role their Chiefs play in governance. As elected and traditional leaders, Chiefs are expected to represent community views and to implement the decision-making authority of Rights Holders in governance processes (e.g., approving mandates and governance structures, establishing strategic priorities).

“Chiefs are the recognized political voice of their individual communities and must remain central to governance.”

“[Chiefs’] inclusion is essential, as they offer important perspectives on the needs of First Nation children, families and communities.”

Participants expressed widespread support for the National Children's Chiefs Commission to play a key role in governance. Some participants cautioned against allowing the NCCC to replace the decision-making authority of Rights Holders. Indeed, the structure of the NCCC (i.e., regionally representative, accountable to communities, focused on child and family well-being) leaves it well-positioned to stand as the main oversight body and to serve as the link between national reform and regional and community realities.³

"The NCCC should serve as the core accountability, oversight, and reform body responsible for ensuring that Canada meets its legal obligations under CHRT 80 and implements the principle of substantive equality."

"The NCCC is dedicated to the best interests of the child and should remain a central partner."

"NCCC should lead the role in governance long-term, reporting to the FN rights holders."

"The National Children's Chiefs Commission has an important role but it must be understood carefully and respectfully within the broader landscape of self-determination. Their role should not replace or overshadow the authority of individual First Nations Rights Holders. Instead, their responsibility should be to support, amplify, and protect the direction that Nations set for themselves."

Participants noted that the valuable roles of FNCFS experts and expert tables include gathering, generating and sharing information, as well as in coordination, analysis and interpretation. There is widespread agreement that experts should play an advisory role in governance, without straying into the decision-making roles. The work of the Caring Society, in particular, is valued and respected: the Caring Society is seen as a strong advocate and an excellent source of evidence-based information. There was support for a range of technical tables, including regional technical tables and secretariats and an emphasis on including frontline experts to ensure reform decisions are informed by real operational experience.

"Technical tables play a supporting, advisory, and facilitative role in long-term reform, but they must never replace or override the authority of First Nations Rights Holders or Nations themselves."

"All existing tables should be able to speak into the process. If they are doing work on behalf of our children we need to hear from them"

³ To note: The NCCC does not have an ongoing mandate to participate in governance; however, the NCCC can seek that mandate or serve as a transitional body and as a model for a newly-constituted national oversight body.

“The Caring Society should remain the human rights conscience and research partner of the reform process.”

A. Measure: Key Organizations and Actors Overseeing the Reformed FNCFS

Implementation Timeline: Within six months of plan approval

A First Nations-led governance structure will support, guide and oversee the implementation and ongoing functions of long-term reform of FNCFS. The governance structure described in this Chapter 4 will include regional and national bodies working in a fully coordinated manner with a mandate to ensure all First Nations children have access to culturally based and substantively equal child and family services.

National governance bodies will include:

1. The **National Oversight Council** will be created, mandated and guided by First Nations Rights Holders. Subject to the sovereign will of Rights Holders, the National Oversight Council will be comprised as follows:
 - a. Representatives appointed by each region through their own self-determined processes;
 - b. Elder/knowledge holder and Youth representatives; and
 - c. Representatives of the Complainants

Subject to the sovereign will of Rights Holders, the National Oversight Council’s role will notably include:

- d. Ensure Canada’s accountability including its obligation to permanently cease all discriminatory conduct in FNCFS;
- e. Oversight of all aspects of the design, management and control of FNCFS or the Reformed Funding Approach (and any successor); and
- f. Consultation with, and reporting to, First Nations through national and regional processes; and
- g. Foster and promote Canada’s observance of international and domestic human rights law, instruments and norms including, in particular, the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations

Convention on the Rights of the Child and the Organization of American States, American Declaration on the Rights of Indigenous Peoples.

Canada shall fund the National Oversight Council and upon request of the National Oversight Council, take positive and effective measures to ensure the National Oversight Council can discharge its mandate.

Where there are ongoing legal proceedings related to the Tribunal's orders, the National Oversight Council will collaborate with the Complainants to ensure Canada permanently ceases its discriminatory conduct.

Rationale:

- First Nations-in-Assembly Resolutions
 - 60/2024: *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle*, clause 3
 - Research and Evidence
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation, Recommendation 10.
2. The **National FNCFS Technical Table** will be comprised of the First Nations Child and Family Caring Society of Canada and FNCFS experts appointed by each region, and will:
- a. Coordinate with regional technical tables to provide advice to the National Oversight Council;
 - b. Review existing and proposed legislation, budgets, regulations, operational bulletins, policy, agreements and conduct related to FNCFS and provide recommendations to the National Oversight Council;
 - c. Develop, implement, disseminate and evaluate the Child and Youth Impact Assessment Tool described in Chapter 5, Measure C
 - d. Review data and research from the National Secretariat to inform recommendations to the National Oversight Council;
 - e. Support the participation of youth and young adults, including youth and young adults with lived experience in alternative care;
 - f. Contract additional expertise as necessary;
 - g. Support capacity-building of Regional Technical Tables;

- h. Support First Nations pursuing jurisdiction in child and family services upon request; and
- i. Other duties required to discharge the purpose and principles.

Canada shall fund, upon request of the National FNCFS Technical Table, positive and effective measures to ensure the National FNCFS Technical Table, can discharge its mandate. The National FNCFS Technical Table will develop models for the National FNCFS Secretariat and mechanisms for coordinating with Regional Secretariats and provide recommendations to the National Oversight Council.

- 3. The **National FNCFS Secretariat** functions will be fulfilled by one or more apolitical and independent First Nations-led non-profit organization(s) recommended by the National Oversight Council and authorized by Rights Holders outside the Ontario FSA. The National Secretariat will:
 - a. Collect, analyze and disseminate non-identifying First Nations child and family services outcome data consistent with Measuring to Thrive;
 - b. Be a national convening and knowledge mobilization centre for holistic policy, practice and evaluation of First Nations child and family services, capital, custom adoption, post-majority services and First Nations representative services honouring First Nations languages and publishing in English and French;
 - c. Provide secretariat support to the National Oversight Council and the National FNCFS Technical Table;
 - d. Support capacity-building of Regional Secretariats;
 - e. Support the participation of youth and young adults, including youth and young adults with lived experience in alternative care;
 - f. Support Public Funding Review;
 - g. Working with the National Oversight Council, foster and promote Canada's observance of international and domestic human rights law, instruments and norms including, in particular, the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations Convention on the Rights of the Child and the Organization of American States, American Declaration on the Rights of Indigenous Peoples;
 - h. Support dispute resolution and accountability processes; and
 - i. Other duties required to discharge the purpose and principles.

Canada shall fund the National Secretariat, and, upon request of the National Secretariate take positive and effective measures to ensure the National Secretariate can discharge its mandate. Canada shall not, otherwise, interfere in the National Secretariate's governance, operations or decision-making or works, nor use funding or administrative measures to influence or fetter or retaliate against the National Secretariate's governance, operations, work or findings unless otherwise required by law.

Rationale:

- Research and Evidence
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025)
 - An expert roundtable of First Nations child and family services (FNCFS) leaders, practitioners, and academics (First Nation, Indigenous, and non-Indigenous) worked with IFSD to prepare recommendations on a First Nations-led Secretariat in FNCFS. The IFSD report includes:
 - Pages 369–456 provides a paper describing the rationale, mandate, structure and cost of the secretariat.
 - Rationale for measuring to thrive indicators found at pp 350–353
 - Case Studies of use of Measuring to Thrive framework from a pilot project (Figures 47, 49, 50) (pp 139, 142, 144)
 - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), at p 9
 - The Secretariat should be apolitical.
 - No endorsement of a National Secretariat only, instead endorsement of regional and National Secretariat approach.
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 1, 2, 3, 4, 5 and pp 7–8.

Regional governance bodies will include:

1. **Regional Technical Tables** will be comprised of FNCFS experts within each region. Wherever possible, existing regional technical tables will fulfill the regional technical functions—with funding from Canada for additional capacity building as needed. Regional Technical Tables will:

- a. Review existing and proposed legislation, budgets, regulations, policy, agreements and conduct related to FNCFS and provide region-specific recommendations to the National FNCFS Technical Table;
- b. Review data and research from the applicable Regional Secretariat to inform recommendations;
- c. Support the participation of youth and young adults, including youth and young adults with lived experience in alternative care
- d. Contract additional expertise as needed;
- e. Report to regional First Nations;
- f. Meet with regional ISC representatives; and
- g. Other duties required to discharge the purpose and principles.

Canada shall fund the Regional Technical Tables and, upon request of the Regional Technical Tables, take positive and effective measures ensure the Regional Technical Table can discharge its mandate. Canada shall not, otherwise, interfere in the Regional Technical Table's governance, operations or decision-making or works, nor use funding or administrative measures to influence or fetter or retaliate against the Regional Technical Table's governance, operations, work or findings unless otherwise required by law.

2. **Regional Secretariats** will be comprised of one or more apolitical and independent First Nations-led non-profit organization(s) authorized by First Nations within each region. Wherever possible, existing regional secretariats (or similar organizations) will fulfill the regional secretariat functions—with funding from Canada for additional capacity and service delivery as needed. Regional Secretariats will:
 - a. Support needs assessments related to First Nations child and family services;
 - b. Support FNCFS Agencies and First Nations in the design, delivery and evaluation of prevention services to build capacity to deliver service-outcome data consistent with Measuring to Thrive;
 - c. Support FNCFS Agencies and, as applicable, First Nations in the design delivery and evaluation of child protection services, including coordination with prevention, to deliver service-outcome data consistent with Measuring to Thrive;

- d. Support FNCFS Agencies and, as applicable, First Nations in the design, delivery and evaluation of alternative care placements and arrangements, custom adoption, post majority and band representative services;
- e. Support the participation of youth and young adults, including youth and young adults with lived experience in alternative care;
- f. Support and coordinate interjurisdictional FNCFS service delivery;
- g. Share regional data with the National Secretariat;
- h. Be a regional convening and knowledge mobilization centre for holistic policy and practice;
- i. Provide secretariat support to the Regional Technical Table; and
- j. Other duties required to discharge the purpose and principles.

Canada shall fund the Regional Secretariats and, upon request of the Regional Secretariats, take positive and effective measures ensure the Regional Secretariats can discharge their mandate. Canada shall not, otherwise, interfere in the Regional Secretariats' governance, operations or decision-making or works, nor use funding or administrative measures to influence or fetter or retaliate against the Regional Secretariats' governance, operations, work or findings unless otherwise required by law.

Rationale:

- First Nations-in-Assembly Resolutions
 - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clauses 1(l)
- Research and Evidence
 - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 1, 2, 3, 4, 5 and pp 7–8.

Canada will recognize and fully cooperate with the governance structure described in this Chapter 4 and will provide adequate and sustained funding to realize and maintain this structure. Canada will support, including by participating and providing information as appropriate, but it shall not interfere in the National and/or Regional Secretariat's operations or decision-making, nor use funding or administrative measures to influence or penalize the Secretariats' work or findings. Canada will consult with the National Oversight Council to establish statutory provisions recognizing the oversight authority of the governance structure.

Youth Engagement: Truth and Reconciliation Commission Call to Action 66

The governance mechanisms noted above will make provision for youth involvement in long-term reform of FNCFS. The public good would, however, be served by providing a means for youth to be directly involved in this work, as recognized by Truth and Reconciliation Commission Call to Action 66. Recognizing the scope of this complaint, Canada is strongly encouraged, above and beyond the measures proposed in this plan, to work with Indigenous youth, including youth in and from alternative care, to fund an Indigenous youth organization and foundation.

- Research and Evidence
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 1, 2 and 9.

B. Measure: Oversight of the Design, Management and Control of FNCFS

Implementation Timeline: Within six months of establishment of governance mechanisms

Canada will meaningfully consult with the Complainants and take positive and effective measures to substantively implement the recommendations of the National Oversight Council regarding all aspects of the design, management and control of FNCFS.

This will include all new measures required to reform FNCFS and all existing and proposed legislation, budgets, regulations, policy, operational bulletins, agreements and conduct related to FNCFS. If the National Oversight Council determines that any current measures associated with First Nations Child and Family Services (FNCFS) and Jordan’s Principle do not align with the established Principles, and until a formal Jordan’s Principle governance structure is in place, Canada is committed to promptly withdrawing those measures. Furthermore, Canada will collaborate with the National Oversight Council to develop new measures that uphold the Principles and reflect meaningful consultation.

Canada must implement recommendations from the National Oversight Council to permanently cease its discriminatory conduct or, in the alternative, within 15 business days provide credible evidence that its current or proposed conduct is fully aligned with the Purpose and Principles. Where Canada’s evidence that it is aligned with the Purpose and Principles is in dispute, and/or implementation of recommendations is unduly delayed or recommendations are partially implemented or not implemented, recourse will be had to the Enforcement and Durability measures described in Chapter 5.

C. Measure: Moratorium on, and Redress of Existing and Planned Operational Bulletins and related mechanisms designed and implemented without consultation

Implementation Timeline: Upon plan approval (review with complainants pending implementation of governance mechanisms)

Canada shall cease the design or implementation of policies and conduct including through operational bulletins and funding mechanisms without consultation with the Complainants and National Oversight Council and/or NCCC. Unless otherwise agreed to in writing by the NCCC and Complainants, Canada must withdraw operational bulletins and other policy or conduct related to FNCFS that were developed and/or implemented without consultation with First Nations, pending review by the National Oversight Council and the National FNCFS Technical Table.

Rationale:

- Legislation
 - *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, *Annex*, Articles [15\(2\)](#) and [19](#)
- CHRT Decisions/Jurisprudence
 - *2018 CHRT 4* at paras [233](#) and [251](#)
 - *Gitxaala v British Columbia (Chief Gold Commissioner)*, *2025 BCCA 430* at paras [78](#), [126–129](#), [160–163](#)
- Research and Evidence
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation 7.

5. Enforcement and Durability

What We Heard:

Engagement participants expressed significant mistrust that Canada will voluntarily end its discrimination or abide by the Tribunal's orders: participants consistently cited Canada's history of non-compliance and emphasized the need for enforceable oversight until discrimination is demonstrably ended.

“Any long-term reform plan must include tools to enable the comprehensive oversight of reform implementation. Canada’s history of non-compliance with the Tribunal’s orders, such as the ongoing failure to address the significant backlog of Jordan’s Principle requests, demonstrates the need for strong oversight and accountability mechanisms in relation to reform implementation.”

When asked about enforcement mechanisms, participants expressed support for both continued Tribunal oversight (with clear criteria for ending the Tribunal's jurisdiction) and an alternative dispute resolution mechanism. Participants identified several parameters to ensure the efficacy of any alternative dispute mechanism including: independence and the capacity to make enforceable orders regarding both systemic and specific failures in FNCS and Jordan's Principle. The alternative dispute resolution mechanism should be grounded in First Nations law and legal traditions and be built on an expert-informed, rights-based design with a built-in non-discrimination assessments and protections from retaliation. Timeliness is important: the alternative dispute resolution mechanism should offer immediate relief in cases of urgent child-specific harms and timely responses in all other cases. The ADR should be responsive to unique circumstances, transparent and accountable, and subject to mandatory period reviews.

“The CHRT must play an active and ongoing role in overseeing the implementation of the reform until an independent dispute resolution mechanism is in place. The Tribunal’s neutrality is essential to prevent Canada from reinstating discriminatory practices once the Tribunal is no longer involved.”

“Canada must comply with CHRT Orders as legally required. This is a Canadian process set up by Canada. If Canada can not comply how does it expect others to respect it.”

“If ongoing Tribunal oversight is not possible, accountability should be ensured through Nation-led dispute resolution processes. These processes would be co-

designed by First Nations, grounded in their laws, languages, and cultural practices, and structured to monitor compliance, limit external discretion, and prevent discrimination. By placing authority and accountability in the hands of the Nations themselves, children, families, and communities are protected, and reforms are implemented in ways that are culturally safe, enforceable, and self-determined.”

A. Measure: Effect of the Reforms on Canada’s Human Rights Obligations

These reforms do not constitute a limitation or waiver of Canada’s human rights obligations including through 2016 CHRT 2.

Rationale:

- CHRT Decisions
 - [2022 CHRT 41](#) at paras [178–179](#)
 - [2025 CHRT 80](#) at paras [68–70](#)

B. Measure: Scope of the Continued Jurisdiction of the Tribunal

The Tribunal has authority to retain its jurisdiction until such time as the Reformed FNCFS has been fully complied with, so as to consider and decide any dispute arising from its implementation. In the event that the Tribunal retains jurisdiction, the National Oversight Counsel will collaborate with the Complainants to ensure Canada’s discrimination regarding FNCFS permanently ceases and does not recur including through Canada’s conduct respecting Jordan’s Principle.

In order for the Reformed FNCFS to be fully complied with and the Tribunal to consequently cease its jurisdiction over First Nations Child and Family Services, Canada must:

- i. demonstrate to the satisfaction of the Tribunal, based on submissions from the Complainants that are informed by the views of the Expert Advisory Committee and the National Oversight Council, that the discriminatory conduct has stopped;
- ii. demonstrate to the satisfaction of the Tribunal, based on submissions from the Complainants that are informed by the views of the Expert Advisory Committee and the National Oversight Council, that the discrimination will not recur;
- iii. fully implement the Reformed Funding Approach;

- iv. amend provincial/territorial agreements in alignment with the Orders in a manner that ensures full consultation with respective First Nations and/or First Nations service providers;
- v. implement and maintain effective quality control measures to detect and effectively remedy the recurrence of discrimination;
- vi. implement and maintain effective and accessible complaints and dispute resolution mechanisms that are as effective as or improve upon the Tribunal, has the capacity and authority to address systemic cases and order and enforce effective remedies including those required to prevent and effectively respond to all forms of retaliation.

Rationale:

- CHRT Decisions
 - [2017 CHRT 14](#) at paras [27–34](#)
 - [2018 CHRT 4](#) at paras [48–52](#)
- Jurisprudence
 - *McKinnon v Ontario (Ministry of Correctional Services) (No. 3)*, [1998 CanLII 29849](#) (ON HRT) at para [354](#)
 - *Ontario v McKinnon*, [2002 CanLII 46519](#) at para [313](#):
 - I shall remain seized of these matters until such time as this entire series of orders has been implemented and the complainant's remedial right to full compliance with the *Code in respect of future practices* has been satisfied in substantial conformity with the orders as read in the context of the findings, conclusions and reasons found in this decision and in the April 1998 decision of this Board. If the complainants and Canada are unable to agree with respect to any of the matters regarding which their common approval is required, or if there are any other matters relating to the implementation of these orders that are in dispute or appear to require clarification, I am to be contacted without delay so that I may hear and decide such matters [emphasis added].
 - *Ontario v McKinnon*, [2004 CanLII 47147](#) (ONCA) at para [2](#)
 - *McKinnon v Ontario (Correctional Services)*, [2007 HRTO 4](#) at para [551](#)
 - *Walden v Canada (Treasury Board and Human Resources and Skills Development Canada)*, [2016 CHRT 19](#), [2018 CHRT 20](#), [2023 CHRT 13](#) (matters heard by Member Garfield, in the decade following a 2012 Memorandum of Agreement, which itself followed liability ([2007 CHRT 56](#))

and remedy ([2009 CHRT 16](#)) decisions by Member Jensen (as she then was), who retained jurisdiction over the complaint).

- As noted by the Commission on its November 9, 2020 submissions in this matter regarding the Compensation Process (at para 16), in the consent order resolving the *Walden* matter, “the Tribunal retained jurisdiction to deal with any “... dispute or controversy surrounding the meaning or interpretation of the Agreement, or its implementation or fulfillment...” – whether brought by a party, or by a non-complainant individual claiming eligibility.” (citing *Walden et al v Attorney General of Canada*, Consent Order dated July 31, 2012 at para 4 (CHRT File Nos. T1111/9205, T1112/9305, T1113/9405).
- Research and Evidence
 - Naomi Metallic et. al, “[Doing Better for Indigenous Children and Families: Jordan’s Principle Accountability Mechanisms Report](#)” (31 March 2022), p 40: Discussion of the Tribunal’s eventual relinquishing of jurisdiction

Guidance from the Tribunal following a Dispute/Complaint

The Tribunal shall retain jurisdiction over the complaint in relation to FNCFS for a minimum of five (5) years from the date of its FNCFS long-term reform order and thereafter until Canada has demonstrated sustained compliance (that is independently verified) with the National FNCFS Reforms and the risk of recurrence of discrimination has been eliminated. In the event that the complainants and Canada are able to agree to an effective dispute resolution mechanism as part of the FNCFS reforms, the complainants and Canada shall only return to the Tribunal for assistance following the full adjudication of a dispute using that mechanism.

Subject to Canada’s compliance with the FNCFS Reforms, following the five (5) year supervision role of the Tribunal, the complainants and Canada shall report to the Tribunal regarding the Initial Five-Year term and seek guidance and direction regarding the Tribunal’s ongoing jurisdiction in relation to the FNCFS Reforms. For clarity, the Tribunal’s reasons and findings made in all existing orders shall continue and the FNCFS Reforms have no impact on any of the Tribunal’s orders in relation to Jordan’s Principle.

Rationale:

- Research and Evidence
 - Naomi Metallic et. al, “[Doing Better for Indigenous Children and Families: Jordan’s Principle Accountability Mechanisms Report](#)” (31 March 2022), at p 40: Discussion of the Tribunal’s eventual relinquishing of jurisdiction

C. Measure: Child and Youth Impact Assessment Tool

Implementation Timeline: Within 18 months of plan approval

Before Canada makes any decisions to change the Reformed FNCFS, unless otherwise directed in the Loving Justice Plan, the National FNCFS Technical Table will review and publicly report, via the National Oversight Council, on the child and youth rights impacts of all federal proposed legislation, budgets, policy, agreements and conduct related to First Nations child and family services prior to it coming into force, except where prohibited by law. Canada will have a positive obligation to bring any such decision-making to the National FNCFS Technical Table's attention prior to implementation.

The National FNCFS Technical Table will develop, implement and evaluate the Child and Youth Impact Assessment Tool in collaboration with youth and young adults with lived experience in child and family services and Elders/Knowledge keepers, as well as the Regional Technical Tables, the Complainants and the National Oversight Council.

Rationale:

- Research and Evidence
 - Modified version of existing government tool: [Child Impact Assessment](#)
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 3, 10
 - [United Nations Convention on the Rights of the Child](#), Article 3
 - UNICEF, “[What is a Child Rights Impact Assessment?](#)”, Canada criteria for child rights impact assessments

D. Measure: Complaint and Dispute Resolution Mechanisms

Implementation Timeline: Within three months of plan approval (subject to agreement by Canada)

To the extent that Canada fails to abide by the reforms, the complainants, the National Oversight Council and funding recipients must have direct and responsive recourse to a process grounded in Indigenous law, First Nations processes and loving justice, that ensures compliance in a manner that accounts for children's safety, physical, emotional, spiritual and cognitive well-being, and best interests and cultural continuity, and is informed by the human-centered aspects of dispute resolution, including love and compassion. At a minimum, this must include an independent, non-complex and effective,

credible, national complaints mechanism.

Consistent with the Tribunal’s recognition that it may be acceptable for a decision-maker to encourage parties to engage third party arbitration as part of an attempt to reach agreement on an issue, even where the decision-maker does not have the jurisdiction to order binding arbitration (2021 CHRT 6 at para 130), this plan proposes a Dispute Resolution Mechanism (“DR Mechanism”) that reflects the minimum standards of the Tribunal orders and incorporates access to justice, and loving justice principles, for both systemic complaints (brought by the complainants) and individual complaints (brought by funding recipients), including those of an urgent nature. It is recognized that while an effective alternative dispute measure would reduce the need for the complainants and Canada to call on the Tribunal’s jurisdiction “in order to resolve a dispute that negotiation fails to resolve” (2021 CHRT 6 at para 130).

However, Canada’s cooperation would be required in order to implement such a measure. As a result, this plan provides high-level principles that would be applicable for such a DR Mechanism. The details of any DR Mechanism to support this plan would be developed after Canada’s cooperation has been confirmed.

This mechanism must be principled, public, accessible, rooted in First Nations legal traditions and laws, and include the following features:

- i. **Enforceable:** The DR process must be transparent, accessible, and enforceable in court with clear, specific and actionable orders.
- ii. **Based on the paramountcy of human rights:** The DR must offer First Nations parties and claimants at least the same level of protection as Canadian and International human rights regimes, so as not to treat them as second-class rights bearers as they have been in the past. Canada must not be allowed to “contract out” of human rights in the reforms.
 - 1. **Primary principles:** Human right norms, the best interests of the First Nations child and the terms of the Fully Reformed Funding Approach, as endorsed by orders of the Tribunal, must prevail in any disputes.
 - 2. **Protection against retaliation:** Robust protections against retaliation must be available to anyone engaged in the DR process. This includes provisions for injunctive relief, compensation and effective measures to stop retaliation and prevent its recurrence.

- iii. **Honourable character and demonstrated impartiality and independence requirement:** Adjudicators, staff, and agents will be selected by the Complainants and Canada based on recommendations from the National Oversight Council and must be honourable with demonstrated experience in adjudicating matters respecting Indigenous children, youth, young adults and families. They have an obligation to carry out their duties with the highest level of independence and integrity.
- iv. **Conflict of Interest:** Adjudicators, staff, and agents must not have served in a federal, provincial/territorial, or municipal political capacity in the prior five years and are required to disclose any perceived or actual conflicts of interest to the Complainants and Canada.
- v. **Available effective remedies:** The DR mechanism must have the capacity to order Canada to make procedural and substantive decisions, order Canada to take any reasonable effective action (including interim), provide funding or other remedies.
- vi. **Limitations:** The DR mechanism would not have the capacity to amend Tribunal orders related to FNCFS reforms, reduce existing funding or funding entitlement of service providers, reduce the overall funding commitment in the FNCFS Reforms, nor implement changes to the funding structure of the FNCFS Reforms.
- vii. **Reflect First Nations Perspectives:** The procedure adopted in the DR mechanism would adopt and embody the principles and values of respect, restitution, reconciliation, responsibility and interconnectedness.
- viii. **Reflect Youth Perspectives:** The procedure adopted in the DR mechanism would support and welcome the participation, views and expertise of youth, including youth with lived experience of placement in alternative care.

Except for requirements under the *Privacy Act* or the confidentiality provisions of provincial, federal or First Nations child and family services legislation, only a First Nations litigant may request the confidentiality of procedures, hearings, documents or decisions when it is in the best interest of the child.

The decision-maker in the DR Mechanism would be selected by agreement between the complainants and Canada following discussions in collaboration and consultation with the National Oversight Council.

Rationale:

- CHRT Orders
 - [2025 CHRT 6](#) at paras [515–551](#)
- Research and Evidence
 - Naomi Metallic et. al, “[Doing Better for Indigenous Children and Families: Jordan’s Principle Accountability Mechanisms Report](#)” (31 March 2022), pp 77–78: Recommendation for a National Indigenous Child and Family Tribunal as a dispute resolution mechanism.
 - Truth and Reconciliation Commission, “[Calls to Action](#)” number 50
 - National Inquiry into Missing and Murdered Indigenous Women and Girls, [Call for Justice 1.7 Final Report](#)
 - Expert Advisory Committee, “FSA Recommendations” (15 December 2025), Recommendation #11, at p 6–7
 - N. Sikka et al “[Indigenous Centered Conflict Resolution Processes in Canada](#)” (March 2021), posted as a resource document on the National Aboriginal Land Managers’ Association website
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 3, 10

E. Measure: Funding for Judicial Reviews

Implementation Timeline: By the commencement of the Reformed FNCFS Approach

In the event that there is no DR Mechanism, the reformed FNCFS would require Canada to establish an adequate litigation fund to ensure access to justice, under the supervision of the National Oversight Council, to enable FNCFS Agencies and First Nations to review federal decisions made pursuant to these reforms before a court or Tribunal of competent jurisdiction. The amount of funding provided per challenge would be subject to budgetary approval by the National Oversight Council, with the maximum amount of funding available, per challenge, being consistent with the amount available, per challenge, for human rights litigation under the Court Challenges Program as of April 1, 2026.

Rationale:

- Research and Evidence

- Naomi Metallic et. al, “[Doing Better for Indigenous Children and Families: Jordan’s Principle Accountability Mechanisms Report](#)” (31 March 2022), at p 78: Recommendation for funding of legal services for Indigenous Children and Families.
- Court Challenges Program, [Funding Guidelines](#) (1 October 2024)
- Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation 10 and pp 7 and 9

6. Funding Commitments and Arrangements

What We Heard:

Engagement participants described numerous funding challenges—both in the funding amount and how the funding flows—that often have a direct impact on services and ultimately on children and their families. Bureaucratic and constantly shifting funding processes and requirements result in service gaps and operational challenges. Some of the key challenges include: significant delays in funding approvals and disbursements; failure to approve work plans or confirmation of funding amounts, and unexpended funds in a timely way or provide clear reasons for not approving workplans in whole or in part. Changes in Canada's policy without notice, that often applies retroactively and burdensome reporting requirements.

"Problems with flows and rules: unpredictable approvals, unilateral bulletins and eligibility shifts, thin and confusing templates, uncertainty about surpluses, missing capital envelopes, and limited mechanisms for kinship providers. Fixes: time-bound approvals with clear criteria, stable terms and carry-forward rules, explicit capital with replacement cycles, flexible kinship supports at actuals, and transparent notice whenever terms change."

"Delays in ISC payments were described as chronic, leaving agencies to carry costs for extended periods while waiting for reimbursement. Individual First Nations are often forced to front costs for child and family services, which was described as unsustainable. Such funding delays and/or shortfalls repeatedly occur even though an agency has consistently demonstrated the funding need, year after year."

"Provide long-term funding guarantees to allow agencies to plan, hire, and deliver services without fear of retroactive denials or program instability."

"Some participants described the approval process as opaque and unpredictable — regional ISC staff frequently lack authority to approve expenditures, and requests are escalated to ISC Headquarters with no clear timeline or feedback."

"The consequences of these shortfalls are not abstract; they directly affect the well-being and safety of the children and youth we serve."

Participants described chronic shortfalls in capital funding, with extensive delays and ISC-imposed funding caps leaving First Nations and their agencies without the facilities they need

for programming and service delivery. Lack of housing is a persistent and widespread problem driving families into contact with child protection services.

"We have some small renovations that we have the capacity to do quickly, but the eligibility requirements for prevention funds coupled with the lengthy application requirements for capital funds are interfering with our ability to move forward."

"Lack of housing is bringing children into care when they have appropriate caregivers in the family they just don't have somewhere to live."

Prevention funding is well established as a core component of FNCFS but remains inadequate in many cases. The splitting of prevention funding across First Nations and FNCFS Agencies has disrupted the work of many agencies and failed to provide time or resources to build capacity among First Nations. Many First Nations that do have the capacity to deliver prevention services are constrained by a lack of operational funding. The population-based formula for prevention funding can be insufficient in cases such as supporting children with complex needs to remain in the care of their families; or providing addictions treatment to parents to support families staying safely together or reunifying.

"The Nation cannot cover staffing & operations with the current prevention funding. Typically, one staff person delivers all prevention service: need to add staffing costs to the per capita allotment of prevention funds."

"Addictions is a big expense when it comes to programming, if preventative treatment is needed to ensure family reunification, there should be additional funding available (our smaller First Nations should not be put in a position to have to choose who is attending treatment service)."

A. Measure: Limiting the Restricting Influence of Other Canadian Legislation

Canada shall not rely on the *Financial Administration Act* or any other federal act as a basis for failure to expend any Funding Commitment or to fail to fully implement the nature, scope, and purpose of the Reformed Funding Approach, ensuring that the Reformed Funding Approach is interpreted and implemented in a manner that reflects the quasi-constitutional nature of the *Canadian Human Rights Act*, and the remedies made thereunder.

Consistent with the Tribunal’s orders to safeguard multiple generations of First Nations children from Canada’s discrimination and recognizing the rights of First Nations children and the inherent right of self-determination, including self-government, over children and families, the Reformed Funding Approach will not be time limited and will not be dependent on government political decision makers. To uphold the honour of the Crown and permanently cease its discriminatory conduct, Canada must systematically design, administer and evaluate this funding, including funding mechanisms, as a non-discretionary obligation constrained by the inherent rights of First Nations and the constitutional and human rights of First Nations children, youth and families.

First Nations prefer a statutory funding mechanism that is co-developed between First Nations and Canada to achieve the durability and protection required by these reforms to safeguard children and families from Canada’s discriminatory conduct in First Nations Child and Family Services.

The Reformed Funding Approach will be the minimum standard for Canada’s funding of child and family services and provide the flexibility to improve upon its key components pursuant to the needs identified by First Nations and FNCFS service providers.

No policy, conduct or other mechanism, including funding mechanisms, may be adopted in respect of Funding Commitments for FNCFS which could reasonably result in a lower level of funding or adverse funding structures than contemplated by these reforms.

Rationale:

- CHRT Decisions
 - [2018 CHRT 4](#) at paras [40–48](#)
 - [2021 CHRT 41](#) at paras [373–377](#)
 - [2025 CHRT 6](#) at paras [463–468](#)
- Research and Evidence
 - Expert Advisory Committee, “FSA Recommendations” (15 December 2025), Recommendation #1, at pp 1–2
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 3, 4, 5, 6, 7

B. Measure: Protecting FNCFS Funding

Implementation Date: Immediately upon plan approval.

Canada shall not reallocate funding from other First Nations programs (e.g., housing or education), services, claims or initiatives to achieve the Purpose.

Consistent with the Tribunals' non-reallocation order (2018 CHRT 4), Canada must not engage or require First Nations not affiliated to a FNCFS Agency and/or FNCFS Agencies or any other entity to engage in the practice of reallocation. Canada shall not repeat its practice of reallocating funding from other First Nations to address shortfalls in FNCFS.

Child and family services are essential services for First Nations. As recognized by the Court of Appeal of Quebec, responsibility for funding is a crucial issue related to First Nations child and family services, which has not been addressed by the *Act respecting First Nations, Inuit and Métis children, youth and families*. The Reformed Funding Approach requires safeguarded and guaranteed funding allocations through statutory measures. However, it is recognized that the Tribunal does not have the jurisdiction to order Parliament to enact legislation. In the absence of such legislation; however, Canada should be required to place funds related to the implementation of this plan in a Special Purpose Allotment with authority to carry over to future fiscal years to avoid the money being used for other government priorities.

Rationale:

- Jurisprudence
 - [2022 QCCA 185](#) at paras [165](#) and [271–279](#)
- Research and Evidence
 - Institute of Fiscal Studies and Democracy, "[First Nations not affiliated to a First Nations child and family \(FNCFS\) services agency: Defining a baseline](#)" (4 April 2024)

Special Purpose Allotment Approach

In the absence of a statutory funding mechanism, Canada shall restrict any and all funding commitments to achieve the Purpose in a Special Purpose Allotment.

Rationale:

- CHRT Decisions
 - [2018 CHRT 4](#) at para [391](#)

- Research and Evidence
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025)
 - In a fee-for-service model (i.e., ISC pays bill for activity), power rests with ISC: ISC reallocates resources within the department and different priorities because funding is not infinite, nor is it protected (through a SPA) for FNCFS (p 24)

Statutory Approach

- The Reformed Funding Approach calls for, and should be supported by, legislation co-developed by First Nations, and Canada, in consultation with the National Oversight Council, that enshrines effective statutory funding to embed the funding purpose, principles, structures, and levels as minimum standards to be adjusted annually on the basis of population and inflation, as well as funding review mechanisms.

Rationale:

- Research and Evidence
 - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), p 20: Support for the idea of statutory funding to ensure that discrimination does not recur.
 - Expert Advisory Committee, FSA Recommendations (15 December 2025), Recommendation #1, pp 1-2

C. Measure: Reformed FNCFS Funding

Implementation Timeline: Next fiscal year after plan approval (so long as at least six months' lead-time)

Overview: Capacity-Based Funding Approach

Present State:

FNCFS Agencies have been funded through a variety of funding sources at the federal level since the Decision on the Merits, including Budget 2016 and Budget 2018 funding, actuals-based funding through 2018 CHRT 4, and additional per capita and top-up based funding released in FY 2022-2023 and 2023-2024 (much of which has been shared with First Nations).

There have been no adjustments to the baseline funding model that was implemented in

Budgets 2016 and 2018 to account for the actual cost of providing services based on the actuals claims from 2018/19 through 2024/25.

This funding approach as implemented by ISC is not stable or predictable and is highly dependent on ISC's discretion. While claims on actuals have provided important information regarding the real needs of FNCFS Agencies, a "claims-based" funding mechanism does not fully capture the needs of First Nations and FNCFS Agencies due to ISC operational, reimbursement and cash-flow policies and conduct, which prevent full implementation of needs-based programs and services (i.e., First Nations and FNCFS Agencies do not have the funds they need, when they need them).

Most unaffiliated First Nations have received Community Wellbeing Jurisdiction Initiative funding since Budget 2018, followed by per capita prevention funding following 2021 CHRT 12, as well as percentage-based top-up related funding from FY 2023/24 forward. However, it is unclear how many unaffiliated First Nations were funded under CWJI to do jurisdictional initiatives versus prevention. Moreover, Unaffiliated First Nations do not have access to a First Nations-based protection service provider, and receive protection services via the applicable provincial or territorial government through funding mechanisms with Canada.

All First Nations have received some or all of the per capita prevention funding amount introduced in FY 2022/23 and some or all of the percentage-based top-ups introduced in FY 2023/24.

Funding for First Nations has generally not been accompanied by clarity regarding the range and scope of service delivery, governance or financial responsibilities associated with the funding or time and capacity to develop the services and associated infrastructure and coordinate with the province/territory in the provision of FNCFS services. Such guidelines must be developed in consultation with affected First Nations, in partnership with the National Oversight Council and the Caring Society.

"Future State":

First Nations not served by a delegated FNCFS service provider are required to be funded in accordance with community need and informed by evidence. Such funding must ensure First Nations have adequate time to build capacity, including a culturally informed skilled workforce, to meet the needs of their children, youth, and families.

FNCFS Agencies to operate with block funding pursuant to the IFSD Phase III recommendations adjusted to FY 2024/25 levels, with access to funding at actuals as a backstop for a period of five years, with a funding review in Year 3 to make required adjustments. The actuals backstop recognizes that, across Canada, service providers

have operated on a wide variety of funding mechanisms and, in many cases, have not had access to capacity building funding. It also recognizes that the split in prevention funding levels between two service providers has led to uncertainty regarding the effectiveness of integrated service delivery (see IFSD Phase 3, Figure 13).

Under the “backstop actuals” system, the National Oversight Council must be notified of any requests that are outstanding for more than 30 calendar days. Requests outstanding for more than 30 calendar days will also be eligible for interim funding pending ISC’s decision-making. Denials must include ISC’s evidence and rationale confirming that denial respects the Purpose and Principles of the FNCFS Reforms.

Some level of actuals-based funding will be required to continue for maintenance in the case of First Nations children coming into care with complex needs that exceed the ordinary cost of maintenance placements (e.g.: Fetal Alcohol Spectrum Disorder, severe mental health needs) as such placements involve per-child costs that are orders of magnitude greater than those for non-complex placements.

Consistent with the honour of the Crown and the developmental process for FNCFS Agencies in Directive 20-1, First Nations to be provided with capacity building funding and time to design and build capacity to enable their prevention delivery model and other services. This will include a clear definition of the prevention services and other services, if applicable, to be provided within that service delivery model, and an understanding of how Least Disruptive Measures (secondary and tertiary prevention) will be funded within the protection service provider’s budget and coordinated with the First Nation’s service model. Applicable FNCFS services needs will be provided by a First Nations authorized service provider until First Nations capacity is established.

For First Nations that have an existing prevention delivery model and capacity to deliver that model, or once the First Nation’s capacity building and evaluation process is complete, per capita prevention funding will follow the service provider, according to the service delivery model adopted by the First Nation, with a clear definition of coverage of Least Disruptive Measures (secondary and tertiary prevention) within the protection service provider’s budget.

Rationale:

- Jurisprudence
 - *St. Theresa Point First Nation v Canada*, [2025 FC 1926](#) at para [171](#)
 - An example of Canada’s provisioning of on-reserve housing, with a high degree of federal discretion, and in a manner similar to the “Present State” above.

- Research and Evidence
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025), Figure 13 and Appendix H: Maintenance
 - Ontario Association of Children’s Aid Societies, “[2025 Pre-Budget Submission](#)” (24 January 2025) at pp 8–9 (Access to Highly Specialized, Intensive Out-of-Home Care & Live-in Treatment)
 - EngageFirst Management Consultants, “[Study of Budget Needs and Funding in the Amended Draft Agreement for Long Term Reform of FNCFS Program: Final Report](#)” (May 2025), at p 50

Baseline Budget

Baseline budget: The budget considered sufficient for the delivery of needs-based child and family services, as defined by the relevant First Nation, in keeping with mandated legislation, including provincial/territorial legislation, the national standards contained in the *Act respecting First Nations, Inuit and Métis children, youth and families* and in any applicable First Nations legislation. Baseline funding will cover the actual costs of core operations related to the child and family service provider in question (prevention, protection, or both). For FNCFS Agencies providing protection services, baseline funding will also provide for protection service costs (e.g., intake, maintenance payments, etc.). This amount will be increased annually to adjust for population growth and inflation.

As noted in the description of the “future state” above, for the first five years of the Reformed Funding Approach FNCFS Agency and First Nation baseline budgeted will be backstopped by a funding at actuals process to provide for sufficient funding to meet community needs in special circumstances (e.g., circumstances, whether anticipated or unanticipated, that cause the cost of required services to exceed the amount of funding provided via the Baseline Budget).

Rationale:

- Research and Evidence
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025)
 - Figures - Five-year national projections estimate the total system cost to be \$17.5B with IFSD’s recommended scenario (p 41)
 - Baseline budget - Total federal expenditures for the delivery of CFS as reported by FNCFS agencies
 - See Table 9 and Figure 12 (p 36); Table 10 pp 38–39.

- See pp 98 and 104.

Functional Funding Adjustment Factors

Functional Funding Adjustment Factors (referred to as “top ups” in the IFSD reports) are tied to the specific purpose of child and family services and are not intended to remedy community-wide needs in these areas:

- i. information technology
- ii. results and data collection
- iii. poverty fund
- iv. capacity development fund
- v. emergency fund
- vi. maintenance allocation
- vii. prevention
- viii. geography/remoteness
- ix. inflation with a 2% base adjusted annually upwards to the Consumer Price Index
- x. population
- xi. insurance and liability coverage
- xii. cultural continuity

Rationale:

- Legislation
 - *Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, s 9(2)
- CHRT Decisions
 - *2016 CHRT 2* at paras 106, 151
- Research and Evidence
 - Institute of Fiscal Studies and Democracy, “Funding First Nations child and family services (FNCFS): A blueprint for program reform” (2025)
 - Prevention - \$2,500 per person resident on-reserve, adjusted for population and inflation since fiscal year 2022/23 (p 34)
 - Resources to deliver activities and services to stop or reduce the risk of child maltreatment.
 - Three levels of prevention that are mutually reinforcing:
 - Primary: Public health measures to prevent child maltreatment and public education on how to report child maltreatment

- Secondary: A child and/or family are at high risk of child maltreatment
- Tertiary: A child is at risk of child maltreatment or alternatively is in care and efforts to reunify the child with their families are underway (it is expected that at least secondary and tertiary services are being delivered by FNCFS agencies)
- See commentary in the overview regarding the capacity-based approach to service delivery
- Information technology (IT) - 5.5% of the baseline budget
 - Allocation for hardware and software, based on not-for-profit industry standards (p 34).
 - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), p 25: Agreement for 6% of the baseline otherwise.
- Results and data collection – 5% of the baseline budget
 - Allocation to support data collection and analysis. Data is essential for control and improved decision-making, in particular to allow for early warnings or signs of challenges and to highlight successes (p 35).
 - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), p 27: Consensus is for 5%
- Poverty Fund – 5% of the difference between regionally relevant MBM and total after-tax median household income (p 35)
 - Provides resources to mitigate the impacts of deprivation as a driver of contact with protection.
 - Figure 41, pp 112–113.
 - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), p 27: Eliminate 3% as a possibility and reconsider 5 and 7%
- Maintenance allocation – 3% of baseline budget (pp 35, 106 and 110)
 - Contingency amount to mitigate changing costs of child maintenance (over and above inflation) within the regular course of business
 - Variability in maintenance expenditures to otherwise be managed by the protection service provider within their block funding, subject to maintenance expenses arising from special

- circumstances, which are beyond the usual cost of doing business (e.g.: complex needs, specialized homes, sudden increase in the number of children coming into care), which are to be reimbursed at actuals
- See analysis in Appendix H “Maintenance” (pp 337-338)
 - Geography/remoteness – 15% scaled average of CAF applied to all FNCFS agencies (p 34)
 - 15% scaled average of Cost Adjusted Factor (CAF). Remoteness can impact FNCFS agency operations and budgets. The remoteness/ geography component should be recognition of the differentiated costs of delivering and acquiring needed services in different geographic contexts (beyond year-round road access alone), acknowledging that some of these costs will already be factored into a service provider’s Baseline Budget due to interim funding at actuals in prior fiscal years.
 - Page 256 (Figure 3 – Geographic Zone distribution – i.e. accessibility)
 - Inflation with a 2% base adjusted annually upwards to the Consumer Price Index (p 35)
 - Adjustment to correct for changes in purchasing power, based on Consumer Price Index (CPI) inflation in order to reflect changes in the costs of goods and services.
 - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), p 33: 2% as the floor with CPI as the adjustor for real time costs.
 - EngageFirst Management Consultants, “[Study of Budget Needs and Funding in the Amended Draft Agreement for Long Term Reform of FNCFS Program: Final Report](#)” (May 2025), at p 35–36
 - Measuring to Thrive Framework (Appendix J to Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A performance budget approach to well-being](#)” (2020), at pp 387–390)
 - Connection to culture and language are essential indicators of well-being for children and families
 - Cultural continuity:
 - Determined the impacts Canada’s discriminatory practices on First Nations languages and cultures as well as cultural continuity

- being a protective factor in the physical, emotional, cognitive and spiritual well-being and best interests of First Nations children. Cultural continuity, and specifically First Nations language knowledge, are associated with dramatic reductions in youth suicide and adverse outcomes.
- Depending on community readiness, this may be funded as a primary prevention item pending development of a cultural-continuity specific funding adjustment factor developed in the first five years of the Reformed Funding Approach.
 - Chandler, M. J., & Lalonde, C., “Cultural continuity as a hedge against suicide in Canada's First Nations” (1998). *Transcultural psychiatry*, 35(2), at pp 191–219
 - Cultural continuity is a protective factor against mental health issues. Language is foundational to culture.
 - Douglas Hallett, Michael J. Chandler & Colette E. Lalonde, “Aboriginal Language Knowledge and Youth Suicide” (2007) 22 *Cognitive Development* 392
 - Michel J Chandler & Christopher Lalonde, “Cultural Continuity as a Protective Factor Against Suicide in First Nations Youth” (2008) 10:1 *Horizons* (Special Issue: Aboriginal Youth, Hope or Heartbreak: Aboriginal Youth and Canada's Future) 6 First Peoples' Cultural Council, “[Costing Models for Language Maintenance, Revitalization and Reclamation in Canada](#)”, (May 2018)
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation 3, 4,5, 6,10

Population

Following the enactment of *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, the federal and provincial Crown are bound to act on the basis that First Nations' inherent right to self-government has constitutional status and that, from a jurisdictional standpoint, this right includes the jurisdiction of First Nations in relation to child and family services. There is no geographic limitation to Parliament's statutory affirmation of this right, such that, subject to the terms and adequacy of funding, First Nations and Agencies may provide child and family services to their members wherever they reside (as per minimum standards set out in *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24).

In correspondence on September 12, 2025 and October 3, 2025, the Panel addressed the

scope of the complaint regarding First Nations children residing off-reserve being limited to Jordan's Principle and not to First Nations children receiving child and family services more generally. This plan has been prepared in keeping with that direction. However, nothing in this plan is intended to support or permit conduct on Canada's part in implementing Jordan's Principle off-reserve in a way that increases, in any way, the likelihood of First Nations children either coming into contact with the child and family services sector or being brought into care, or that fetters their reunification with their homes, families and communities.

It bears noting that consistent and strong feedback during the regional engagement process following the Tribunal's ruling in 2025 CHRT 80, however, noted that many First Nations individuals do not live off-reserve by choice, but rather face limited ability to remain on-reserve for systemic reasons, including lack of housing and other services (including education, health, mental health, and specialized services for children with complex needs). Indeed, many of the same structural forces that drive contact with the child and family services system drive families away from reserves.

This plan's approach to population served seeks to respect the Panel's October 3, 2025 direction on scope by focusing on a substantive equality-based definition to the population that is "Ordinarily Resident On-Reserve". As the Panel noted in its 2016 Decision on the Merits, FNCFS have always applied to First Nations children and families ordinarily resident on-reserve. In the 2005 National Program Manual, the definition of "ordinarily resident on-reserve" acknowledges that individuals may continue to be ordinarily resident on-reserve where they maintain a primary residence on-reserve "may be absent for a period of time for purposes related to education, health, or other services that are unavailable in the reserve community where the child lives".

This plan proposes a substantive-equality-based definition of "ordinarily resident on-reserve" to include those who wish to live on-reserve and are on a waiting list to secure housing on-reserve. This recognizes the breadth of service gaps that lead First Nations individuals to leave their Nations' territory.

In addition to the above-noted considerations, ISC's Indian Registration System ("IRS") does not capture the entire population served, in particular given members moving on- or off-reserve in ways that are not reflected in the IRS, nor does it reflect anticipated addition of members due to legislative changes related to eligibility for *Indian Act* status. In particular, any approach to population adopted must be responsive to the potential elimination of the second generation cut-off rule in s. 6(2) of the *Indian Act*, which is currently under consideration by Parliament given the repeal of subsections 6(2) and (2.1) of the *Indian Act* by clause 4(5) of Bill S-2: *An Act to amend the Indian Act (new registration*

entitlements), which received Third Reading in the Senate on December 4, 2025 (63 Senators voting in favour, no Senators voting against, and eight Senators abstaining) and received First Reading in the House of Commons on December 10, 2025. If Bill S-2 passes in its current form, as has been called for by the Chiefs in Assembly, many minor children who reside on-reserve and are subject to the second-generation cut-off would be eligible to be added to the IRS.

Funding must not rely solely on the per capita formulas, especially those tied to the IRS. With the guidance of the National Oversight Council and the National FNCFS Reform Technical Table, the complainants and Canada must work towards a population framework within the first three years of the FNCFS Reforms, such as a First Nations-led census, to estimate the actual population served.

Rationale:

- Constitutional Provisions
 - *Constitution Act, 1982*, ss 35, 52(1), being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.
 - *Constitution Act, 1867 (UK)*, 30 & 31 Vict, c 3, s 91(24), reprinted in RSC 1985, Appendix II, No 5
- Legislation
 - *Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24
 - *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, *Annex, Article 32*
- CHRT Decisions/Jurisprudence
 - *2016 CHRT 2* at paras 52–58
 - *Dickson v Vuntut Gwitchin First Nation*, *2024 SCC 10* at paras 363 and 368 (per Martin and O'Bonsawin JJ)
 - *Corbiere v Canada (Minister of Indian and Northern Affairs)*, *[1999] 2 SCR 203* at para 19
 - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, *2024 SCC 5*, at paras 60, 63, 65, 66, 107
- Research and Evidence
 - October 3, 2025 direction from the Panel regarding the scope of the complaint
 - Indian and Northern Affairs Canada, “First Nations Child and Family Services National Program Manual” (May 2005), at p 51

- Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025)
 - Population - IRS population by Band (p 35)
 - Changes in population size impact service delivery. Population and projections should use the Indian Registry Service (IRS) by Band. See Table 35 (p 116) for projected population growth
- NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), at pp 18–19
 - Non-status children must be included in the population count because they are considered part of the community vis a vis the family living on-reserve (e.g. some family members are eligible for status, and some aren't). First Nations will serve the children in the community regardless of status.
 - Service population extends beyond those who live in community at the moment, e.g. those who have moved away for various reasons but still remain part of the community. This is needed to promote connections.
 - IRS based population creates conditions for discrimination.
- EngageFirst Management Consultants, “[Study of Budget Needs and Funding in the Amended Draft Agreement for Long Term Reform of FNCFS Program: Final Report](#)” (May 2025), at pp 27, 35–37

Insurance and Liability Coverage

Canada shall provide sufficient funding to ensure FNCFS service providers including FNCFS Agencies are able to purchase adequate liability insurance.

Canada will be the insurer of last resort for all First Nations Child and Family Services, their employees, agents, and advisors (including Elders, Knowledge Keepers, and youth) when the First Nations Child and Family Services provider is unable to access insurance or access adequate levels of insurance to safeguard against tort actions or other claims arising from good-faith actions or decision making.

Rationale:

- Research and Evidence
 - Alexander Holburn Beaudin & Lang LLP, “[Legal Opinion to IFSD](#)” (31 August 2018), at p 6
 - “Notwithstanding a mandatory insurance coverage provision in a

provincial delegation agreement, each of the provinces is subject to the non-delegable duty doctrine, which provides that a party upon whom the law has imposed a strict statutory duty to do a positive act cannot escape liability simply by delegating the work”

- Similar logic applies at the National level

Emergency Plan Funding

Canada shall fund First Nations child and family service providers to develop and execute emergency response plans specific to children, youth, young adults and families in coordination with affected First Nations. These plans will contain measures to prevent emergencies and mitigate harm related to unforeseeable events beyond the service providers control such as:

- a. actions of military, naval, or civil authority, the King's or a public enemy, war, revolution, political disturbance, and terrorism;
- b. civil disturbance;
- c. expropriation, acts of restraints of a governmental body or authority, and failure to obtain a requisite permit or authorization from a governmental authority by reason of any statute, law, or Order-In-Council, or any regulation or order passed or made pursuant thereto or by reason of the order or direction of any administrator, controller, or board, or any governmental department or officer or other authority, or by reason of not being able to obtain any permission or authority required thereby;
- d. unusual delay by common carriers;
- e. sabotage, rebellion, vandalism, riot, blockade, insurrection, strike, lockout, and explosion;
- f. power failure and non-availability of labour, materials service, equipment, goods, or utility
- g. epidemic and quarantine including substance misuse;
- h. fire;
- i. pandemics; and
- j. significant class action payments to vulnerable people as a result of Canada's conduct.

Canada shall provide sufficient and additional resources, including funding, to prevent and respond to unforeseeable events.

Rationale:

- Research and Evidence
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025)
 - Emergency Fund – 2% of the baseline budget (p 35)
 - Recommendations summarized on p 335
 - Report of the Auditor General of Canada, “[Emergency Management in First Nations Communities, Report 8, \(2022\)](#)” at paras 8.13, 8.44, 8.47, 8.67, 8.68.
 - Inter-Agency Standing Committee, “[With Us and For Us: Working With and For Young People in Humanitarian and Protracted Crises](#)”, UNICEF and the Norwegian Refugee Council for the Compact for Young People in Humanitarian Action, (2020) online, at pp 34–39, 100–103

Funding at Actuals or with Actuals as a Backstop

Additional funding will be required in the following areas:

- i. capital, maintenance, and capital replacement (actuals)
- ii. First Nations representative services (actuals)
- iii. post-majority services (including reunification services), supports, and products (actuals, to provide the range of services identified by the National FNCFS Technical Table and Regional Technical Tables, and not the narrower range of services presently approved under ISC Operational Bulletins)
- iv. development of new FNCFS Agencies (actuals)
- v. regional and national technical secretariats (actuals)
- vi. planning funds (to achieve substantive equality for those affected by Directive 20-1 until 2016 or were not receiving FNCFS funding pursuant as of 2016 or later) (actuals as a backstop)
- vii. funds for special circumstances (e.g., costs for very high needs of children in care) (actuals as a backstop with limited ISC discretion, as constrained by the purpose and principles of the Loving Justice Plan and CHRT orders)

IFSD’s recommended budget framework does not include a funding methodology for post-majority services or First Nations representative services, both of which will be funded at actual costs. The list above similarly includes other expenditures that, due to a lack of reliable data, will be funded at actuals, or for which actuals will be used as a backstop. Any amounts exceeding the percentage of the baseline budget allocated for planning funds

(5% for results and data) and special circumstances (3% for maintenance allocation) will be funded at actuals to account for the uncertainty inherent in governance and predicting the costs required to care for children with complex needs. In addition, the development of new FNCFS agencies will be funded at actuals for a minimum of five years, as explained above, to allow new agencies the time required to build sufficient capacity. The at-actuals funding model will be maintained until the first public review of the reformed FNCFS, to facilitate necessary adjustments.

Rationale:

- Research and Evidence
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025)
 - Capital, maintenance and capital replacement
 - Table 42 (pp 121–122) provides the assumptions of the bottom-up capital calculations; Table 43 discusses asset types (p 122)
 - Full analysis regarding capital funding (pp 233–242)
 - First Nations representative services
 - Appendix B3 (pp 215–220) provides a breakdown of costs for First Nations Representative Services
 - Post-majority services, supports and products
 - Estimations of costs of post-majority supports (pp 225–227)
 - Development of new FNCFS Agencies
 - Directive 20-1 recognized that service providers would require time to be able to take on services (see Directive 20-1, section 6.4: “The expansion of First Nations Child and Family Services (FNCFS) will be gradual as funds become available and First Nations are prepared to negotiate the establishment of new services or the takeover of existing services”). Directive 20-1 contemplated multiple ramp-up phases for a new service provider: pre-planning, planning, and start-up (see Directive 20-1, section 7).
 - Regional and national technical secretariats
 - An expert roundtable of First Nations child and family services (FNCFS) leaders, practitioners, and academics (First Nation, Indigenous, and non-Indigenous) worked with IFSD to prepare recommendations on a First Nations-led Secretariat in FNCFS.

The call for the body has been documented by IFSD in its work since 2018 with FNCFS providers (p 43)

- Pages 366–456 provides a paper describing the rationale, mandate, structure and cost of the secretariat.
- Planning Funds
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025):
 - Results and data collection – 5% of the baseline budget
 - Allocation to support data collection and analysis. Data is essential for control and improved decision-making, in particular to allow for early warnings or signs of challenges and to highlight successes (p 35).
 - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), at p 27: Consensus is for 5%
 - Special Circumstances
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025)
 - Maintenance allocation – 3% of baseline budget (pp 35, 106 and 110)
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 3,4,5,8.

D. Measure: Funding for Regional Organizations, Agencies and Technical Secretariats

Implementation Timeline: Upon plan approval

Canada shall negotiate honourably and in good faith with First Nations outside the Ontario FSA and with First Nations national and regional organizations (including, but not limited to, the **National Oversight Council**, the National FNCFS Technical Table, the National FNCFS Secretariat, Regional Technical Tables, and Regional Secretariats) to adequately, and on an ongoing basis, fund regional technical secretariats and a national apolitical technical secretariat to support the delivery of First Nations child and family services to a

standard that enables First Nations, First Nations child and family service providers to discharge their mandates in keeping with the Principles.

Rationale:

- CHRT Decisions
 - [2018 CHRT 4](#) at para [265](#)
 - [2025 CHRT 80](#) at para [110](#)
- First Nations-in-Assembly Resolutions
 - *42/2018: Data Sovereignty and the Ownership, Control, Access and Possession (OCAP)*
- Research and Evidence
 - Funding National Secretariat
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025)
 - An expert roundtable of First Nations child and family services (FNCFS) leaders, practitioners, and academics (First Nation, Indigenous, and non-Indigenous) worked with IFSD to prepare recommendations on a First Nations-led Secretariat in FNCFS. The call for the body has been documented by IFSD in its work since 2018 with FNCFS providers (p 43)
 - Pages 369–456 provides a paper describing the rationale, mandate, structure and cost of the secretariat.

Regional Organizations

Canada shall establish an annual fund to be allocated to Regional Technical Tables and Regional Secretariats (see Chapter 4, above) in a manner directed by the National Oversight Council to build capacity, establish new organizations where no existing entity can assume the Regional Secretariat role, collect and analyze regional child and family services data and support best practices to deliver child and family services in whole or in part, including by providing training.

Rationale:

- Research and Evidence
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025), Appendix K: First Nation-led Secretariat Analysis

Capacity Development for New Service Providers (Agencies and First Nations)

Canada shall fund the development of First Nations and First Nations Agencies. This funding includes but is not limited to the provision of child and family services by First Nations pursuant to their own laws, the establishment of new First Nations Agencies, and expansion of service provision at existing First Nations and First Nations Agencies to include, among other things, the delegation to provide protection services. This funding is intended to enable and provide the necessary capacity to discharge their responsibilities, including pursuant to the applicable child and family services and related legislation and regulations.

Canada shall fund the development of First Nations and First Nations Agencies in a manner that attains long-term positive outcomes for First Nations children and their families and supports First Nations providing services under their own laws to exercise their legislative authority effectively, consistent with the honour of the Crown and with the Crown's fiduciary relationship with First Nations children.

Canada provided prevention funding to unaffiliated First Nations without providing sufficient funding and time to develop and implement those services. This means that there is wide variation in the capacity of unaffiliated First Nations to deliver or expand prevention services to meet the changing needs of their children, youth and families in a manner consistent with the rights of First Nations children, the honour of the Crown, and *An Act Respecting First Nations, Métis and Inuit children, youth and families* and the Tribunal's orders. Capacity funding is required to enable unaffiliated First Nations and new agencies to develop or expand capacity to consult with their communities and experts to design and implement the range of prevention services they self-determine as necessary to meet their needs. Such capacity funding shall be based on actuals for at least five years.

Rationale:

- Jurisprudence
 - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families, 2024 SCC 5*, at para 63
- Legislation
 - *Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, s 20(2)(c)
- Research and Evidence
 - Directive 20-1 recognized that service providers would require time to be able to take on services (see Directive 20-1, section 6.4: "The expansion of

First Nations Child and Family Services (FNCFS) will be gradual as funds become available and First Nations are prepared to negotiate the establishment of new services or the takeover of existing services”).

Directive 20-1 contemplated multiple ramp-up phases for a new service provider: pre-planning, planning, and start-up (see Directive 20-1, section 7).

- [IFSD First Nations not affiliated to a First Nations child and family \(FNCFS\) services agency](#): Defining a baseline (4 April 2024)
- EngageFirst Management Consultants, “[Study of Budget Needs and Funding in the Amended Draft Agreement for Long Term Reform of FNCFS Program: Final Report](#)” (May 2025), at pp 4, 19, 26, 47 and 50
- Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 4,5,6,7,8.

First Nations Child & Family Wellbeing Research Fund

Canada shall establish a First Nations-led national research fund focused on First Nations child and family wellbeing. The fund will support research capacity to: identify and address the structural drivers of contact with child protection services among First Nations families; distinguish preventable service failures from protection concerns; assess whether long-term reforms address structural drivers; and demonstrate sustained compliance with Tribunal orders.

The research fund will support First Nations-led efforts to ensure policies are supported by adequate evidence and prevent the persistence of discriminatory outcomes. The fund will support First Nations-led efforts to:

1. identify and prioritize research focuses related to child and family well-being;
2. develop First Nations-specific solutions, integrating Indigenous Knowledge and leading research;
3. explore emerging and under-examined areas of inquiry that address First Nations-specific challenges through creative, culturally grounded approaches that centre Indigenous worldviews and responsibly leverage new technologies;
4. develop a First Nation approach to collect data and information about child and family wellbeing; and
5. develop a robust evaluation and accountability framework to ensure discrimination is eliminated and does not re-emerge through policy design, implementation, or system practices.

Rationale:

- CHRT Orders
 - [2016 CHRT 16](#) at paras [150–152](#)
 - [2018 CHRT 4](#) at paras [259, 264](#)
 - [2022 CHRT 8](#) at paras [74–86](#)
- Legislation
 - [*Act respecting First Nations, Inuit and Métis children, youth and families*](#), S.C. 2019, [s 20\(2\)\(c\)](#)
- Research and Evidence
 - Canada Foundation for Innovation, “[*Research in Canada, for Canada: A Value Proposition*](#)” (September 2023)

E. Measure: Transition from Funding at Actuals

Funding at actuals as articulated in Chapter 6, Measure C, will continue for a minimum of three years or until such time as the Public Funding Review recommendations are implemented.

ISC shall reimburse claims for FNCFS Agencies' actual costs for intake and investigations, legal fees, building repairs, child service purchase, and small agency costs incurred in the last fiscal year of funding at actuals that are submitted on or before September 20 of the following fiscal year. Where funding requests are received after September 20, ISC will consider any exceptional circumstances relating to the late submission.

For the Initial Five Years, First Nations, except for First Nations in Ontario, shall have access to reimbursement for their actual costs for First Nation Representative Services equivalent to the actual costs available pursuant to 2018 CHRT 4, including but not limited to:

- a. salaries, benefits, workplace safety and costs to support the delivery of child and family services;
- b. human resources recruitment, training or professional development;
- c. paraprofessional and professional fees;
- d. general delivery costs such as non-medical travel costs, accommodations, transportation or meals for First Nations Representatives to support the

delivery of services;

- e. delivery costs and family support services including prevention services and services for those involved with the child and family services system; and
- f. overhead, administrative costs (office rent, computer, information technology, utilities, insurance to help support FNRS services).

FNCFS service providers must be provided with a model budget of their funding allocation under the Reformed Funding Approach for their assessment and approval and will determine the timing of their transition to the Reformed FNCFS, in consultation with their First Nations, when they are ready. A minimum of 12 months must be provided to ensure adequate time to transition.

Data from the First Nations Canadian Incidence Study on Reported Child Abuse and Neglect (2019) indicate the significant and interdisciplinary needs of First Nations children, youth and families coming to the attention of child and family services. Funding at actuals will ensure these needs are met while creating a costing track record to inform future funding approaches.

The transition to the Reformed Funding FNCFS will take several years and additional resources, requiring Canada to fund and implement transition measures as recommended in IFSD reports on First Nations Child and Family Service Agencies and First Nations not affiliated with a First Nations agency. Transition will take approximately 3–5 years for FNCFS Agencies and 5–10 years for First Nations without existing capacity and new agencies to deliver services.

Rationale:

- CHRT Decisions
 - [2018 CHRT 4](#) at para [421](#)
- Research and Evidence
 - Institute of Fiscal Studies and Democracy, [“Funding First Nations child and family services \(FNCFS\): A blueprint for program reform”](#) (2025)
 - Based on collaborator feedback, existing service providers will be better positioned to implement changes in 2 to 5 years, whereas those without existing services can take 10 to 15 years for operational stability. Service providers are shaped by their contexts and are distinguishable through several characteristics, e.g., remoteness, operational sophistication, size of the population served, etc. (p 56)
 - Challenges to transition described in p 62, Figure 19.

- Figure 15, gives a chart on the transition readiness of several actors (p 55)
- NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), at pp 1, 5
 - First Nations in consultation with the Agencies decides if/when they will move to the reformed approach.
 - Consider First Nations and Agencies being provided with budgets with both scenarios to inform decision making.
- Barbara Fallon, Rachael Lefebvre et al, “[First Nations Canadian Incidence Study on Reported Child Abuse and Neglect](#)”, (2019)
- Directive 20-1
 - The Directive recognized that service providers would require time to be able to take on services (see Directive 20-1, section 6.4: “The expansion of First Nations Child and Family Services (FNCFS) will be gradual as funds become available and First Nations are prepared to negotiate the establishment of new services or the takeover of existing services”). Directive 20-1 contemplated multiple ramp-up phases for a new service provider: pre-planning, planning, and start-up (see s. 7).

Post-Majority Supports

Post-majority support services shall continue at their actual cost pursuant to 2022 CHRT 8 until such time that effective evidence informed funding mechanism, based on services needed to ensure substantive equality, is provided by a body appointed by the National Oversight Council and approved by the Tribunal consistent with the Purpose and Principles.

Canada must continue to fund post-majority supports for First Nations young persons from care (including those aging out of care and those reaching the age of majority while subject to youth agreements) from the age of majority up to and including age 25 at actual cost, consistent with 2022 CHRT 8 and Assembly of First Nations Resolution 84/2023.

Post-majority support funding following the Initial Five-Year term shall be determined in accordance with the Public Funding Review but shall not be less than the highest amount received in any given fiscal year. That approach shall align with the principles of needs-based funding, be culturally appropriate and shall recognize the distinct realities of First Nations.

Rationale:

- CHRT Decisions
 - [2022 CHRT 8](#) at paras [41–60](#)
- Research and Evidence
 - Institute of Fiscal Studies and Democracy, [“Funding First Nations child and family services \(FNCFS\): A blueprint for program reform”](#) (2025), at pp 225–227
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 5, 8.

Capital Funding

Capital funding and all related requests shall continue at actual cost for a minimum of five years, pursuant to 2021 CHRT 41, until such time as an effective capital funding mechanism, which includes planning, building, operations, and recapitalization is developed based on evidence from First Nations and First Nations-authorized service providers, is reviewed by First Nations capital and service delivery experts, and is approved by the National Oversight Council and by the Tribunal.

Any new capital funding mechanism must be evidence based and consistent with the purpose and principles of this plan, the honour of the Crown, cultural appropriateness, and substantive equality, taking into full account the distinct circumstances of the child’s First Nation and community.

The capital funding mechanism cannot create delays, gaps or denials that perpetuate the discrimination that Canada was ordered to stop.

Canada must undertake positive efforts to ensure the prompt completion of projects and shall not unreasonably delay capital projects due to administrative procedures, particularly in rural and remote regions where building supply routes are restricted.

A First Nation or FNCFS Agency’s determination of their need shall be presumed valid.

Canada has the burden of proof to demonstrate, with evidence, that the proposed capital project is not needed, or only partially needed, for the delivery of child and family services.

If Canada’s position is that it will not fund the full cost of a capital project that a First Nation or FNCFS Agency determined that it needs to deliver child and family services, or if it requires more than thirty business days from the receipt of a request to make a determination, Canada must inform the First Nation or FNCFS Agency in writing why the project is being delayed, deferred, or denied in whole or in part. A request that outstanding

for more than thirty business days will be deemed denied and referred to the National FNCFS Technical Table and the National Oversight Council.

In the event that a DR Mechanism is established as contemplated in Chapter 5, Measure D, any denial of capital funding, in whole or in part, may be referred to the proposed DR Mechanism.

In the event of a dispute regarding capital costs, Canada shall release interim funding to the First Nation and the FNCFS Agency sufficient to ensure that the delivery of child and family services is not interrupted or adversely affected while the dispute is resolved.

Rationale:

- CHRT Decisions
 - [2021 CHRT 41](#) at paras [142](#), [174](#), [184](#), [213](#), [294](#), [475](#)
 - [2025 CHRT 80](#) at paras [107](#) and [114](#)
- Research and Evidence
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025)
 - Table 42 provides the assumptions of the bottom-up capital calculations (pp 121–122); Table 43 discusses asset types (p 122)
 - Full work up (pp 233–242)
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 4, 5

First Nations Representative Services

Canada shall fund First Nations Representative Services at actual cost until at least 180 days from the time that an effective evidence-based funding mechanism is approved by the body appointed by the National Oversight Council and approved by the Tribunal consistent with the Principles.

Rationale:

- Research and Evidence
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025) at pp 215–220: breakdown of costs for First Nations Representatives
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 3, 10

7. Accountability

What We Heard:

Feedback regarding accountability addressed both Canada's accountability for ending its systemic discrimination in FNCFS, and accountability of First Nations and their FNCFS agencies for prudent management of FNCFS funding. Participants called for an end to Canada's unilateral decision-making—this was a clear and consistent theme. Instead, decisions related to policy and funding (and any aspect of FNCFS) must be made transparently and in consultation with First Nations. All decisions must be clearly communicated to anyone impacted by the decision. After decades of willful and reckless systemic discrimination, there is little trust that Canada will remain accountable. Instead, the view is that Canada will require continuing independent oversight with statutory authority. Suggestions for fulfilling that role included: dispute resolution mechanisms and ombudspersons. Participants also made numerous comments about inter- and intragovernmental accountability and the need for clear mechanisms to prevent jurisdictional and funding gaps.

“Staff also noted that accountability requires ISC to communicate clearly and engage First Nations and service providers before developing or implementing policy changes. They emphasized that unilateral decision-making reduces transparency and undermines accountability, and that meaningful engagement must form part of any responsible and accountable funding system.”

“ISC’s history of unilateral decision-making and policy changes without notice has damaged trust and created instability in service delivery. Accountability, they emphasized, cannot rely solely on policy commitments—it must be legally enforceable and transparent.”

“Participants supported establishing a First Nations-led ombudsperson or commissioner with legal authority to monitor compliance, investigate breaches, and hold Canada accountable.”

“Accountability must include clear mechanisms that prevent jurisdictional and funding gaps between federal and provincial systems from continuing to harm First Nations families.”

With respect to the accountability of FNCFS funding recipients, participants noted that current reporting requirements are paternalistic, overly burdensome, repetitive, and punitive. The

burden of reporting can divert resources from service-delivery to administrative tasks with little perceived value. This should be replaced with outcomes-based reporting focused on metrics that are useful and relevant to First Nations and their service providers. Some participants suggested narrative reporting supported by independent financial audits. Others focused on reciprocal accountability where funding recipients report on their use of funds and Canada, in turn, must demonstrate that funding flows appropriately and is sufficient to meet the needs of First Nations children and families. Finally, participants emphasized that strong relationships between First Nations leadership and their child and family services agencies are essential for accountability to children and families.

“ISC must be held accountable for ensuring that funding for First Nations child and family services is sufficient, timely, and responsive to agency and community needs. They stated that accountability mechanisms should require ISC to operate within an outcomes-based model, in which ISC must demonstrate that funding is flowing appropriately and that the needs of agencies—and therefore the needs of children and families—are being met.”

“Identify a high level outcomes framework agreed-upon between ISC and First Nations in the region. From this, Nations can adapt individual indicators to suit their priorities, services, and culture.”

“Reports should highlight progress, challenges, and outcomes, and include the voices of First Nations children, youth, and families.”

A. Measure: ISC’s Discretion to be Constrained by the Principles in this Plan

As the primary funder of FNCFS activities outlined within this plan, Canada’s capacity to realize the projected outcomes will depend on its exercise of discretionary decision-making authority as described herein (for example, in responding to actuals-based requests, funding capital costs, and providing “special circumstances” funding). The Plan also grants Canada the discretion to implement proposed measures including appointing an Ombudsperson, establishing a dispute resolution mechanism, and allocating implementation funding into a Special Purpose Allotment.

To the extent that Canada retains discretionary powers under the Loving Justice Plan, Canada must exercise its discretion in a manner consistent with the purpose and principles outlined in the Loving Justice Plan, as well as the minimum standards in the

Tribunal's orders and its related legal obligations to First Nations and First Nations children.

Rationale:

- Jurisprudence
 - *Cully v Canada (Attorney General)*, [2025 FC 1132](#) at paras [5](#), [35](#), [55](#), [84](#)
 - *Powless v Canada (Attorney General)*, [2025 FC 1227](#) at para [45](#) (aff'd in [2025 FCA 226](#) at para [9](#))
- Research and Evidence
 - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 3, 10

B. Measure: Review of Material Changes to Funding Arrangements

Any material changes in respect of fiscal arrangements respecting the funding of provision of child and family services must, in collaboration with affected First Nations, be reviewed for adequacy of the quantum and method of funding no fewer than once every three years.

The Minister will in consultation with the National Oversight Council publish an annual report on its compliance with the terms of these reforms and publicly and prominently post the report and any response to the annual report that the National Oversight Council wishes to make.

Rationale:

- See transparency principles in Chapter 3.

C. Measure: Funding Arrangements with Provincial/Territorial Governments Providing Services to Unaffiliated First Nations

There are approximately 172 unaffiliated First Nations located largely, but not exclusively, in British Columbia and the Yukon. These First Nations are united in their love and dedication to their children and very diverse in terms of context, needs and existing capacity to deliver child and family services. Unaffiliated First Nations shall be supported to choose the child and family service delivery model that best suits their needs and context.

There are also partially delegated First Nations child and family service agencies that rely on the provinces for the delivery of certain aspects of child and family services.

Given the inter-relationship between protection and prevention services, unaffiliated First Nations and partially delegated FNCFS Agencies and their affiliated First Nations require detailed and accurate information regarding the protection services being provided by provincial and territorial service providers, the terms and funding on which those services are being provided, and the outcomes to which the federal and provincial/territorial governments have agreed.

Canada must, in consultation with affected First Nations, ensure its agreements with provinces/territories and others to provide child and family services achieve the Purpose and Principles of these reforms. First Nations will be provided resources sufficient to participate in such consultations and will have access to Regional Tables and Regional Secretariats for assistance in performing this work.

Rationale:

- CHRT Decisions
 - [2021 CHRT 12](#) at para [35](#)
- Research and Evidence
 - IFSD First Nations not affiliated to a First Nations child and family (FNCFS) services agency: Defining a baseline (4 April 2024) at pp 5–7, 22 and 90–91
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendations 3, 10

D. Measure: Public Reporting

Implementation Timeline: Within 30 days of plan approval

To ensure access to information relevant to the violation of rights and remedies, Canada shall publish on a prominent and accessible platform the causes and conditions resulting in Canada’s discrimination substantiated in 2016 CHRT 2 and related orders, any remedies Canada has implemented to address the causes and conditions and associated outcomes.

Rationale:

- CHRT Decisions
 - [2017 CHRT 14](#) at paras [111–112](#)
 - [2018 CHRT 4](#) at paras [391–394](#)

E. Measure: Data Collection

Canada shall ensure that it provides the National Secretariat and Regional Secretariats with all data collected regarding First Nations child and family services, nationally (to the National Secretariat) and in each region (to the Regional Secretariats), calibrated to the Measuring to Thrive framework to ensure that funding is needs-based. Such data shall be collected in an accountable and ethical manner, in keeping with the principles of Ownership Control, Access, and Possession (OCAP).

Rationale:

- CHRT Decisions
 - [2018 CHRT 4](#) at para [265](#)
- First Nations-in-Assembly Resolutions
 - *42/2018: Data Sovereignty and the Ownership, Control, Access and Possession (OCAP)*
- Research and Evidence
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025) at pp 350–353: Rationale for measuring to thrive indicators
 - Case Studies of use of Measuring to Thrive framework from a pilot project (Figures 47, 49, 50) (pp 139, 142, 144)
 - EAC FSA Recommendations (15 December 2025), Recommendation #8, p 5
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation 3, 10

8. Regional Variations

What We Heard:

Engagement participants strongly supported the need for regional variations: long-term reforms must address local and regional realities, including: geography, population size, specific needs, transportation barriers, service availability, and existing capacity and infrastructure—or lack thereof.

The engagement reemphasized the criticality that funding and reform must reflect specific cultural and linguistic needs, and respect diverse First Nations governance and service delivery models.

“The unique needs in our region cannot be addressed through standardized funding or reporting templates. Reform must be flexible, Nation-driven, and reflective of the realities of remote communities, ensuring that every child and family no matter where they live has access to culturally safe, consistent, and life-saving supports.”

“The realities of remoteness and poverty profoundly shape service delivery and the well-being of children and families. These factors increase operational costs, limit access to resources, and constrain the agency’s ability to deliver prevention-focused and family-centred services.”

“Long-term reform must ensure that funding and regional support are scaled for equity, not size, so that every child, regardless of their community’s population, receives consistent and culturally grounded care.”

There was also strong support for establishing FNCFS technical hubs that support community accountability, connection-building and coordination. Some participants described existing hubs in their regions. Others remarked on the absence of such organizations in their regions, but they did see value in the potential role to support their capacity and strengthen coordination.

“The absence of such a hub means that much of this work is done “off the side of the desk,” creating inconsistent capacity and limiting our ability to respond collectively to regional challenges or engage effectively in national reform processes. A First Nations-mandated technical hub would significantly strengthen implementation, accountability, and sovereignty-based decision-making across the region.”

Participants highlighted training; recruitment and retention/workforce development; and increased opportunities for knowledge, information and culturally relevant resource sharing as key areas where regional support would be beneficial.

“We need to focus on workforce development by recruiting and retaining a more diverse workforce that reflects the children and families we serve. This includes training and support for professionals who are already in the field, ensuring they have the cultural awareness to understand and address the specific needs of these populations”

To support negotiation and implementation of federal/provincial/territorial funding arrangements, the engagement identified a number of capacity building and regional support needs. This included specific capacity building funding, technical, legal and negotiation support—with recommendations for regional support for accessing shared services, coordination and consultation assistance.

Furthermore, for successful negotiations for regional variations, the participants highlighted the importance of establishing a federal-provincial coordination mechanism; having a willing, transparent partner at the table; and the need to prevent interruption to service delivery.

“First Nations in our region need dedicated negotiation capacity, including legal, financial, and policy expertise that is mandated by and accountable to our Nations—not federal systems.”

A. Measure: Negotiation of Regional Variations

Implementation Timeline: Within six months of plan approval

Canada is required to negotiate, in good faith and in line with the honour of the Crown, regional variations with First Nations and Agencies to identify modifications that meet or exceed the Reformed Funding Approach and to address variations that require accommodation to address ongoing discrimination.

This plan is mindful of the experience of ISC’s “jurisdiction-by-jurisdiction” approach with the EPFA, pursued with “ready and willing First Nations and provincial/territorial partners” (2016 CHRT 2 at para 443), which incorporated many of the failings of Directive 20-1 and did not contain measures or mechanisms to address changing circumstances after the EPFA had been implemented. Instead, this plan takes the same approach as

past Tribunal orders in this matter, setting a strong core approach to FNCFS reforms that can be varied to meet distinct regional needs and circumstances.

As a result, these regional variations will be supported by the Purpose and Principles outlined in these reforms, consider inequities due to the prior funding model, be sufficiently responsive to emergencies and ensure measures that are culturally appropriate and respond to the distinct community circumstances of the region.

Unless it has been advised that the relevant First Nation or region wishes to negotiate a new approach Canada must also continue to implement existing regional approaches that are:

- (a) Effective;
- (b) Supported by the relevant First Nations; and
- (c) Consistent with the long-term reform measures in this plan and/or the CHRT orders.

To ensure that negotiations are conducted in good faith, Canada must report, on a monthly basis, to the National Oversight Council on the progress of regional agreement negotiations over the first six months of the Tribunal's FNCFS long-term reform order to ensure that negotiations are conducted in good faith.

In any region for which regional plans are not submitted by Canada to the National Oversight Council by six months following the Tribunal's FNCFS long-term reform order, that region may submit a plan detailing the regional variations required, to be raised by the complainants with the Tribunal as part of the Tribunal's continuing supervision of the first five years of the implementation of this plan.

Rationale:

- CHRT Decisions
 - [2016 CHRT 2](#) at paras [278–293](#), [311](#), [330–331](#), [386–387](#), [425](#), [443](#), [458](#), [461](#), [463](#)
 - [2018 CHRT 4](#) at paras [236](#) and [413](#)
 - [2021 CHRT 41](#) at para [545](#)
 - [2025 CHRT 80](#) at paras [18](#), [26](#), [110](#), [113](#)
- First Nations-in-Assembly Resolutions
 - *61/2024: Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clauses 1(h) and 1(k)

- Research and Evidence
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation 3,4,5, 6,8,10 and p 7

B. Measure: Canada’s Obligation to Develop Regional Plans

Consistent with UNDRIP, Canada is required to meaningfully support affected First Nations for consultation in the development of federal/provincial agreements and related mechanisms including funding agreements and amendments thereto that affect them and their citizens (see Chapter 7, Measure B). Further, Canada must ensure said agreements ensure that children, youth and families in those nations receive the full enjoyment of *An Act Respecting First Nations, Métis and Inuit children, youth and families* and the Tribunal’s orders.

Consistent with Chapter 7, Measure B (Funding Arrangements with Provincial/Territorial Governments Providing Services to Unaffiliated First Nations), Regional Secretariats shall manage pools of capacity funding to support the development of regional approaches and region-specific capacity building. Regional Technical Tables may assist in developing a capacity building work-plan, while FNCFS Agencies in a region may contribute to the regional pools where sufficient funding is available at the Agency level, and may also become eligible for capacity funding as well depending on regional priorities.

Rationale:

- Legislation
 - *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C 2021, c. 14, [Annex](#)
 - “Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child”.
- Jurisprudence
 - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families, 2024 SCC 5* at paras [4–5](#)
 - *Gitxaala v British Columbia (Chief Gold Commissioner)*, [2025 BCCA 430](#) at paras [78, 126–129](#)
- Research and Evidence

- Chart of NCCC Proposals for Resolving Outstanding Issues with the 2024 Draft Final Agreement on FNCFS Long-Term Reform (21 February 2025), Proposal #5

C. Measure: Review of Existing Provincial / Territorial Agreements

Canada must disclose and publish current Provincial/Territorial Agreements on its website within 30 days of implementation of the Reformed FNCFS Approach and publish any amendments or new Provincial/Territorial Agreements within 14 days of being entered into.

Canada shall further ensure that, within 30 days of the Order, affected First Nations are contacted and provided the necessary resources to fully participate in the revisioning of existing Federal-Provincial and Federal-Territorial Agreements, in alignment with the Orders. Where the province will not meet with affected First Nations and Canada to revise existing agreements, Canada shall enter into an agreement with the First Nation to fund services to a standard provided for in the Order.

Canada shall ensure that all Provincial/Territorial Agreements include a provision requiring the provinces/territories to collect and share data with First Nations service providers and the Secretariats on First Nations children, youth, and families calibrated to the Measuring to Thrive framework to ensure that funding is needs-based. Such data shall be collected in an accountable and ethical manner, in keeping with the principles of Ownership Control, Access, and Possession (OCAP).

Such revised agreements must be filed with the Tribunal for its approval and posted publicly.

Rationale:

- First Nations-in-Assembly Resolutions
 - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clauses 1(n)
- Research and Evidence
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025): Rationale for measuring to thrive indicators found at pp 350–353
 - Case Studies of use of Measuring to Thrive framework from a pilot project (Figures 47, 49, 50) (pp 139, 142, 144)

9. Reform Indigenous Services Canada

What We Heard:

The feedback from regional engagements indicates that the so-called “old mindset” that created and sustained systemic discrimination remains intact with Indigenous Services Canada.

Participants describe the persistence of top-down, paternalistic approaches that disregard First Nations’ expertise and needs. A lack of respect for First Nations cultures, knowledge and ways of being remains prevalent, and ISC makes unilateral decisions, notably around funding and policies, without consideration or accountability of the impact to First Nations.

“There is a lack of cultural understanding within ISC that contributes to ineffective interventions, as policies are often applied without considering the unique cultural and community contexts of First Nations”

“The rigidity of ISC’s policies often prevents communities from developing community-driven solutions. Indigenous peoples have long advocated for child welfare systems that are rooted in cultural practices and community-led care, but ISC frequently bypasses or undermines this approach”

Participants noted the lack of accountability measures as a key area of concern. Despite ISC having high expectations for agencies and communities, including extensive administrative and reporting requirements, ISC do not maintain the same level of accountability for itself. Agencies and Nations experience lengthy wait times on applications and responses to correspondence; challenges with ISC staffing and regional structures; miscommunication; and jurisdictional barriers.

“Our community has faced persistent challenges working with ISC, rooted in long-standing patterns of inconsistent decision-making, bureaucratic barriers, and a failure to uphold its own stated principles. ISC routinely imposes strict accountability and documentation requirements on First Nations while not holding itself to the same standards”

“ISC also engages in jurisdictional buck-passing, refusing services by claiming another program should fund them, even when no such program is accessible to families in remote communities”

Instead of reforming the department, some participants argued that ISC should be fully dismantled. Other recommendations focused on the need for oversight. Permanent, independent and legally binding mechanisms were identified as needed to sustain reforms, measure outcomes, and uphold the rights of First Nations children and families.

“Real change requires structural reform and enforceable accountability.”

“A permanent, independent oversight mechanism is essential to sustain accountability, measure outcomes, and uphold the principles of substantive equality and self-determination in child and family services.”

Participants shared potential indicators of meaningful departmental reform, including: consistent behavioural shifts grounded in respect, transparency, accountability, rights-based and relational approaches. This would require a significant departure from current ways in which ISC engages with First Nations. Participants also indicated that ISC would need to acknowledge their past and ongoing discriminatory practices, including public recognition of the harm caused by systemic racism embedded within policies and operations.

“Shift its relationship from compliance oversight to trust-based partnership and shared accountability”

“A shift from resistance to receptivity by encouraging openness to change, active listening, and genuine engagement with First Nations perspectives and solutions”

Systems-level indications around accountability were also of high importance to participants. Transparent and inclusive decision-making; and meaningful action by ISC to implement recommendations, orders and commitments with public reporting was emphasized as needed. In tandem with this, was the reiteration that funding commitments and structures must be predictable, timely, and based on need; along with the removal of systemic barriers, including challenges with coordination across governments, and the decolonization of policies and procedures.

“A reformed ISC would no longer impose top-down decisions from bureaucrats in Ottawa but would instead operate from a model where decisions, priorities, and resource allocations come directly from First Nations communities.”

“ISC will only be seen as having corrected its old mindset when its actions—not its statements—demonstrate a fundamental shift away from colonial, paternalistic

decision-making toward true partnership, accountability, and respect for First Nations sovereignty.”

Well-being outcomes for children, youth, family and communities were also largely underscored as the foundation to knowing when reform has been successful and discrimination has ended.

“Success will be defined not by compliance or bureaucratic efficiency, but by the well-being of Indigenous children and the strength of their families and Nations.”

“Safety being seen through the speaking of languages, the dancing, the singing. The ability for youth to feel passionate and inspired... to live out their dreams and their goals...they need to feel inspired to move forward and get the good work done.”

There was also strong support for establishing a child well-being commissioner or ombudsperson role guided by First Nations cultures, laws and teaching and focused on child rights. Participants emphasized the importance of the ombudsperson as an independent body, separate from ISC.

A. Measure: Comprehensive Reform of ISC

Implementation Timeline: Within three months of plan approval

Reform of ISC is required to address systemic discrimination and the “old mindset” identified by the Tribunal in order to prevent the recurrence of discrimination in the provision of FNCFS, as found by the Tribunal.

Pursuant to 2022 CHRT 8, an Expert Advisory Committee (the EAC) has been formed to oversee the implementation of an evidence-informed work plan to prevent the recurrence of discrimination, and that Canada shall undertake reasonable measures to begin implementing the workplan.

Canada shall provide sufficient and sustainable funding for the EAC to discharge its mandate as approved by First Nations.

The EAC shall operate in an independent, public and transparent manner to respond to the reasons and guidance of the Tribunal in 2022 CHRT 8 and previous rulings including 2016 CHRT 2. The EAC shall develop its own Terms of Reference, which shall be public.

The EAC shall be independent and provide reports directly to Chiefs in Assembly and to the Tribunal on its work and views of Canada’s risk of recidivism and the sufficiency of

safeguards to detect and address discrimination.

The work of the EAC in reforming ISC and developing accountability measures within ISC must itself be transparent and independent.

Canada shall implement the EAC's recommendations made in its Summary Report for Spring 2022 to Spring 2024 relevant to FNCFS, being to:

- (1) draw on the EAC's expertise on the design and implementation of an independent third-party evaluation, immediate and long-term reform measures for ISC, and “cultural competency” policies, education and training;
- (2) shift language from “cultural competency” to “cultural humility” for ISC's employee training;
- (3) develop a critical incident reporting and monitoring system for Jordan's Principle;
- (4) support the creation of an external Ombudsperson to provide accountability and oversight;
- (5) support and endow Indigenous Youth Organizations;
- (6) Include Assembly of Seven Generations in the Third-Party Evaluation; and
- (7) Implement the EAC's recommendations on the “Honouring our Journey” survey and on ISC's development and implementation of its own Human Resources division.

Canada shall also implement the EAC's recommendations made in its December 2025 Report entitled “FSA Recommendations”, being to:

- (1) replace annual parliamentary appropriation requirements with guaranteed multi-year statutory funding;
- (2) Establish a binding Indigenous-led joint governance body with decision-making authority;
- (3) Implement mandatory transparency requirements for all ISC funding decisions;
- (4) Remove proposal-based and competitive funding mechanisms;
- (5) Resolve structural deficiencies created by layering the 1965 Canada-Ontario Agreement;
- (6) Reform prevention funding to align with First Nations-Defined needs and conditions;
- (7) Strengthen the Program Assessment Process to close discretionary loopholes;
- (8) Embed Indigenous data sovereignty and Indigenous-defined accountability

- throughout the FSA;
- (9) Remove all clauses allowing ISC to unilaterally revise governance, performance, or accountability appendices;
 - (10) Recognize and formally include the National Oversight Council in FSA governance; and
 - (11) Strengthen dispute resolution mechanisms to align with accountability standards.

Rationale:

- CHRT Decisions
 - [2022 CHRT 8](#) at para [172](#) (Order #6)
- Research and Evidence
 - OHRC, “[Chapter 9 – Accountability and monitoring mechanisms: gaps in data management, performance review, and public transparency](#)”
 - The lack of an independent monitoring/evaluation system for assessing discriminatory behavior indicated “a lack of accountability” (here, in the context of anti-black racism amongst police officers).
 - Global Affairs Canada, “[Advancing Human Rights](#)” (24 January 2024)
 - Importance placed on transparency and accountability in advancing human rights, as evidenced by GAC’s tool for evaluating funding applications for Canadian funding on international development initiatives.
 - Expert Advisory Committee for the Reform of Indigenous Services Canada, “Summary Report of Activities, Observations and Advice” (Spring 2022 to Spring 2024)
 - Expert Advisory Committee FSA Recommendations (15 December 2025)
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation 3, 10

10. Research and Outcome Data

What We Heard:

Participants provided widespread support for data collection and program evaluation to guide system improvement and to ensure that the needs of children, youth, families and communities are met. There is also clear support that this work should be focused on outcomes—particularly on outcomes that matter to First Nations.

While research was identified to be of significant value, participants shared that there is a lack of capacity, tools and funding to collect meaningful outcome data, to effectively evaluate the impact of child and family services, and ultimately to inform policy and funding decisions. Participants described the high cost of data systems, overstretched service-delivery staff and access to information (including at the provincial level) as additional key challenges.

“Our region currently has very limited capacity to collect or report non-identifying child outcome data. We do not have a culturally appropriate evaluation framework, dedicated staff time, or the technical systems needed to gather consistent information—especially in remote communities with unreliable internet access.”

“We currently have very limited capacity to analyze data at the community or service-provider level. Staff are focused on frontline work, and there is no dedicated analyst, regional data hub, or culturally grounded framework to guide interpretation of information. Because our datasets are inconsistent and often incomplete, we are not able to transform raw information into meaningful insights that could inform policy, practice, or long-term planning.”

To build research and data collection capacity, participants called for dedicated data and evaluation staff, training and mentorship in data literacy, shared regional data systems and First Nations-led structures that align with community priorities and cultural frameworks. The importance of dedicated, sustainable funding for this work—without drawing on funding for service delivery—was also emphasized.

“Enhanced collaboration and capacity-building in this area would ensure that evaluation is not seen as a compliance exercise but as a shared learning process that guides service improvement and promotes community-driven accountability.”

“Communities would benefit from practical, user-friendly tools and technical support to help measure needs and outcomes in ways that reflect local realities and First Nations worldviews”.

Participants expressed support for First Nations-led, independent secretariats, to support data collection and analysis—particularly at the regional level. This would include support for accessing resources, training and tools; and assistance with coordination—an area that many shared challenges with.

Participants also shared that it is critical for data collection and analysis processes to be transparent, accountable and First Nations-led, highlighting the need for culturally grounded indicators and frameworks. The importance of respecting data sovereignty and the principles of ownership, control, access, and possession (OCAP) was also raised as a key need which regional and national secretariats could support.

“A regional secretariat, led by First Nations, would help gather consistent non-identifying data, identify best practices, and keep governments accountable”

“A regional technical body could assist with developing common indicators, aligning data standards, and strengthening community capacity, while respecting OCAP® principles and community control.”

Limited capacity for (non-identifying) data collection and analysis were also identified as challenges—participants noted the need for specific funding for resources and dedicated positions to support this work; and raised issues around barriers to data collection and the need for inter-jurisdictional coordination. The importance of OCAP-aligned, community owned data system(s) and upholding data sovereignty was also underscored.

A. Measure: Periodic Reviews to Adjust Funding Based on Needs

Implementation Timeline: Within three years of Reformed FNCFS Approach

The Reformed Funding Approach will include a review mechanism that allows FNCFS service providers to adjust their funding, once transitioned, calibrated to need, as defined by First Nations. The review mechanism will allow for adjustments needed in emergency and urgent situations as well as longer term adjustments based on community health and well-being. It will also address any recurrence of discrimination.

Public Funding Reviews are to be completed every five years by an independent, non-political expert who is qualified in public finance and has experience working on matters relating to First Nations and First Nations child and family services, recommended by the

National FNCFS Technical Table and selected by the National Oversight Council. The Public Funding Review will ensure the Reformed Funding Approach, and ISC's related conduct, are meeting the needs of First Nations children and is adequate for First Nations service providers to meet statutory child and family services requirements. ISC will be required to provide aggregate data to the qualified expert for the purposes of conducting this review within 10 days of any data request and will fully cooperate with the review. First Nations and First Nations service providers, including FNCFSA and non-affiliated FNs, will be consulted in the funding review. Data collected through Measuring to Thrive and other evidence will be considered in the Public Funding Review.

The draft report resulting from the Public Funding Review will be provided to First Nations and FNCFS experts, including the National FNCFS Technical Table and Regional Technical Tables, for expert review and comment before being presented to the First Nations in Assembly and First Nations not represented by the AFN in both official languages for approval. Canada will table the report resulting from the Public Funding Review in Parliament and will publicly and specifically respond to any recommendations within 60 days of the final funding report being approved by First Nations in Assembly. Canada will undertake positive measures to implement the recommendations and is obligated to implement recommendations to remediate the recurrence of discrimination.

Rationale:

- Research and Evidence
 - Institute of Fiscal Studies and Democracy, “[Funding First Nations child and family services \(FNCFS\): A blueprint for program reform](#)” (2025)
 - Suggests the Measuring to Thrive Framework to conduct a similar review
 - Best practices suggest the following steps: It starts with a conceptual model of child development and the factors that influence healthy development: the child, the child's family, the child's community, and the investments made to support healthy development. The *Measuring to Thrive* framework provides the groundwork for the measurement model and the accountability framework (p 126)
 - Case Studies of use of Measuring to Thrive framework from a pilot project (Figures 47, 49, 50) (pp 139, 142, 144)
 - NAC First Nations Caucus, “Draft Phase 3 Recommendation Discussion Guide” (March 2024), at p 12
 - Non-identifying aggregate data available on a national level endorsed.

- A baseline on data collection is required – needs to be available at all levels (e.g. community upwards)
- Community-specific well-being indicators.
- Decouple data consistency with the census and bring more in line with other First Nations data projects (indices, language, identifiers).
- Start 5-year review process at year 3 – data is key to supporting true need's based funding.

B. Measure: Oversight of the Public Funding Review Process

Implementation Timeline: Within four months of Public Funding Review

Recommendations

The National FNCFS Technical Table shall oversee and recommend an organization to the National Oversight Council to conduct the Public Funding Review. The National Oversight Council shall consider and review the National Technical Advisory Committee's recommendation and seek input from affected First Nations and their experts regarding the selection process for the organization to conduct the Public Funding Review.

The National Technical Advisory Committee shall oversee the organization conducting the Public Funding Review and, on the advice of the National Oversight Council, may provide guidance on matters including, but not restricted to:

- a. the design and methods of the Public Funding Review;
- b. relevant information, research, reports, and experts; and
- c. the participation of First Nations service providers, knowledge holders, and experts in the Public Funding Review process.
- d. Indigenous research ethics and data Ownership, Control, Access and Possession (OCAP)

The Public Funding Review will be transparent, inclusive, and accountable including publicly posting the study methods, sample sizes and criteria, findings and recommendations. The organization conducting the Public Funding Review shall seek information from Provincial and Territorial governments providing child and family services for Non-Agency First Nation and First Nations with partially delegated protection service providers and will solicit and consider input from the following groups:

- a. First Nations
- b. FNCFS Service Agencies and other FNCFS Service Providers;

- c. The National FNCFS Technical Table; and
- d. Other individuals or groups identified by the National Oversight Council.

Rationale:

- Research and Evidence
 - NAC First Nations Caucus, “Draft Phase 3 Recommendation Discussion Guide” (March 2024), at p 12
 - Non-identifying aggregate data available on a national level endorsed.
 - A baseline on data collection is required – needs to be available at all levels (e.g. community upwards)
 - Community-specific well-being indicators.
 - Decouple data consistency with the census and bring more in line with other First Nations data projects (indices, language, identifiers).
 - Global Affairs Canada, “[Advancing Human Rights](#)” (24 January 2024)
 - Demonstrates the Government of Canada’s importance placed on transparency and accountability in advancing human rights, as evidenced by GAC’s tool for evaluating funding applications for Canadian funding on international development initiatives.
 - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation 3, 10

E. C. Measure: Dispute Resolution in the Funding Review Process

If there is a dispute regarding whether or how any recommendations resulting from the Public Funding Review are to be implemented, that dispute will return to the Tribunal pursuant to its retained jurisdiction unless a DR Mechanism is established as contemplated in Chapter 5, Measure D.

Rationale:

- CHRT Orders
 - [2018 CHRT 4](#) at para [53](#)
 - [2020 CHRT 20](#) at para [119](#)
 - [2023 CHRT 44](#) at paras [6, 215, 225](#)
 - [2025 CHRT 6](#) at paras [237, 602](#)
 - [2025 CHRT 80](#) at paras [14, 61, 75–76, 113–114](#)
- Research and Evidence
 - Naomi Metallic et. al, [Doing Better for Indigenous Children and Families: Jordan’s Principle Accountability Mechanisms Report](#) (31 March 2022), at pp

77–78: Recommendation for a National Indigenous Child and Family Tribunal as a dispute resolution mechanism.

- Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation 3, 10

i huenemetin 
 Ywänönhwe'  Kwano
 pinocīyak  Kisâkeeyawak awâsi
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 ginim kina  G
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Caring Society

fncaresociety.com

This is Exhibit "I" of the Affidavit of Chief Pauline Frost, affirmed remotely by video teleconference by Chief Pauline Frost at Ottawa, Ontario, before me at Northside East Bay, Nova Scotia, on this 12th day of February, 2026.

Signed by:



84F1E9A704D443F...

A Commissioner for taking affidavits

LIAM SMITH

Sent by e-mail

December 22, 2025

Cindy Blackstock, PhD
Executive Director
First Nations Child & Family Caring Society
E-mail: CBlackst@fncaringsociety.com

Dear Dr. Blackstock:

Re. Support for the National FNCFS Long-Term Reform Plan

I am thinking of my grandson, Quill, as I write this. He was also on my mind in October of last year when I made the difficult decision to vote against Canada's proposed final settlement agreement. I know the other Chiefs in the room that day also held special little ones in their hearts when we decided collectively that the proposed agreement would not end Canada's systemic discrimination and was not good enough for our children.

In the aftermath of that decision, my fellow Commissioners and I accepted a heavy responsibility to form a National Children's Chiefs Commission—as mandated by the First Nations-in-Assembly—and deliver a stronger resolution to the Human Rights complaint that you initiated all those years ago. None of us have undertaken this work lightly, and all of us have been deeply concerned about the consequences of failure—consequences that would fall heavily on our children. Our concern grew as Canada repeatedly refused to negotiate a new agreement or to engage with the Commission in any meaningful way.

In August, 2025 CHRT 80 provided a strong pathway forward uncoupled from Canada's willingness—or lack thereof—to work with the Commission. We quickly sought, and were granted, an expanded mandate from the First Nations-in-Assembly to work with you and your team at the Caring Society to consult with our Nations and build a plan to end Canada's discrimination in First Nations Child & Family Services.

Our technical team immediately got to work with you and your team to design and implement an engagement strategy. Together, we launched the regional engagements on October 1 and concluded them on November 14. During the engagement period, you and the Commission's technical team supported in-person and virtual engagement sessions with First Nations leaders and Rights Holders and with FNCFS experts in Prince Edward Island, New Brunswick, Quebec,

Manitoba, Saskatchewan, Alberta, British Columbia, the Yukon, and the Northwest Territories. We also welcomed submissions directly through the Commission's website. This work generated a total of 105 submissions, 64 of which were group submissions representing input from up to 90 leaders, Rights Holders and experts.

It is my understanding that, in parallel with the engagement work, you and your team were drafting the Plan, based on the research, legal orders and expert input accumulated since the start of (and even before) this Human Rights process. As the engagement work neared completion, you shared drafts of the Plan with the Commission's technical team. Our team worked closely with you and your team to edit, re-draft, and contribute new material based on their own expertise and on the input gathered through the regional engagements.

This morning, the Commission met for a final discussion prior to the submission of the Plan. As a Commission, we have reviewed the Plan and have taken advice from our technical team. We strongly support this Plan and have passed a motion by consensus to send you this letter supporting your submission to the Canadian Human Rights Tribunal today.

There is one notable area where both the engagement input and our position as a Commission reach beyond the Plan. This concerns our children and families who live off-reserve and in the Northwest Territories. As Commissioners, we understand there are limits on the Tribunal's jurisdiction in this matter. As Chiefs, however, we love and are responsible for our children and families wherever they reside. We embrace the Tribunal's decision affirming that Jordan's Principle eligibility to all our children, regardless of residency and we have seen meaningful changes in the lives of our children as a result of that decision.

We heard very clearly from leaders, Rights Holders and experts across all regions that the on/off-reserve distinction is itself grounded in systemic discrimination and inequality. The lack of housing and services on-reserve drives so many of our families away from our communities: nearly three-quarters of all First Nations people live off-reserve or in the Northwest Territories, where they are ineligible for the services Canada is required to provide on-reserve. In establishing the reserves, Canada broke numerous treaty agreements. The courts have recognized Canada's dishonourable conduct in this regard and have ordered Canada to pay compensation to purchase new lands. Yet Canada continues to rely on the Indian Act limitation of ordinarily resident on-reserve to deny services to our children and families. The Commission does not accept the Indian Act's narrow understanding of First Nations or reserves—and neither should the Tribunal. We must pursue every avenue to achieve a world where children matter more than reserve boundaries.

The Plan you will submit to the Tribunal today is built on love for our children and respect for their rights. I can share this work proudly with my grandson because it promises to deliver Loving Justice to our children who have endured Canada's discrimination. All our children, wherever they reside, deserve that justice.

Mahsi' choo,



Chief Pauline Frost
Chair, National Children's Chiefs Commission

This is Exhibit "J" of the Affidavit of Chief Pauline Frost, affirmed remotely by video teleconference by Chief Pauline Frost at Ottawa, Ontario, before me at Northside East Bay, Nova Scotia, on this 12th day of February, 2026.

Signed by:



84F1E9A704D443F...

A Commissioner for taking affidavits

LIAM SMITH

Chief Pauline Frost, Vuntut Gwitchin First Nation

Pauline Frost, Chief of the Vuntut Gwitchin First Nation, was born and raised in Old Crow, Yukon and left at an early age to attend high school and further her education before returning home to work in various professional capacities. Spending her time in both Whitehorse and Old Crow, Chief Frost has always kept her Gwich'in cultural connections strong, representing her people locally, nationally and internationally.

Chief Frost's extensive and diverse professional background encompasses social and community wellness, renewable resources, tourism, and business and economic development. Chief Frost has dedicated her career to furthering the interests of the Vuntut Gwitchin. In 2016, Frost was elected as MLA in the Vuntut Gwitchin riding and served as Minister of Health and Social Services, Minister of the Environment and Minister responsible for the Yukon Housing Corporation. Prior to this, Frost worked for Vuntut Gwitchin Government as their negotiator and Intergovernmental Coordinator, and served as Director of the Yukon First Nation Self-Government Secretariat and Chair of the Yukon Salmon Sub-Committee.

As Minister of Health and Social Services, Frost was instrumental in the development and endorsement of the Putting People First report, a progressive approach to revitalizing health services in Yukon. Chief Frost is currently Chair of the Yukon Chiefs Committee on Health which provides Yukon First Nations with a high level of involvement and authority that will be key in guiding the successful implementation of Putting People First and healthcare transformation in the Yukon.

Chief David Monias, Nation for Pimicikamak

David Monias is a dedicated and visionary leader whose life's work has focused on improving the well-being of First Nations families, ensuring their rights are respected, and advancing the preservation and development of their communities. As the Chief of the Nation for Pimicikamak, David has worked tirelessly to advocate for his people and serve their needs, always placing the community's well-being at the forefront of his leadership.

A man of deep roots in the land and culture of his people, David's upbringing was shaped by the realities of poverty experienced by many residents of First Nations reserves. However, he also grew up alongside the bountiful natural resources of his territory, with a family deeply engaged in hunting, trapping, fishing, and harvesting plants and berries. This connection to the land and its resources has been central to David's life and leadership. David Monias is also a survivor of the day school system, which shaped much of his formative years. As a teenager, he was forced to leave his community to attend school in Winnipeg due to the lack of high school and post-secondary education in Pimicikamak. This displacement not only marked a significant turning point in his life but also deepened his commitment to education, empowerment, and advocating for resources for future generations in his community.

David Monias is a well-educated man with a Master's degree and professional training in Leadership and Management. He has applied these skills throughout his career, particularly in his senior management roles within Child and Family Services (CFS). Throughout his career, David has proven his ability to provide strategic leadership, manage complex issues, and turn around organizations and government departments that faced fiscal deficits. His approach has always been to solve problems through collaboration and by engaging the community in decision-making. By involving the community at every stage, from planning to execution, David has worked to prevent the alienation caused by external systems in First Nations communities.

As a family man, David's commitment to his own family and the families of Pimicikamak has been a guiding force throughout his life. His wife, Sharon Flett, is a nurse specializing in diabetes and kidney screening, further emphasizing the family's commitment to the health and well-being of their community. Together, they have provided strong role models for their children, teaching them the importance of education, hard work, and community involvement. David's leadership is deeply grounded in the belief that "United we stand, and divided we fall." He consistently emphasizes that the power of the Nation rests with the people, and that true direction and progress must come from the people themselves.

David has been vocal about the importance of moving forward while also learning from the past, particularly in the face of challenges faced by the youth. He advocates for breaking down the barriers—both external and those created within the community—and for empowering the future by adapting to new technologies and ensuring that the youth are preserved, not reserved. David's message is one of empowerment, strength, and resilience. He believes that the future of the Inniniwak (Cree) people of Pimicikamak is secure, as they work towards self-sustenance and the development of their own economy. His words, "Deeds not words is the key. Okimowin (leadership) without the people is just a word!" reflect his commitment to actionable change and the importance of a leadership that is responsive to the needs of the community.

David Monias is a champion for his people and a tireless advocate for the betterment of First Nations communities. His work continues to leave a lasting impact on Pimicikamak and beyond, as he remains a pivotal figure in the fight for Indigenous rights, sovereignty, and the preservation of the land and water for future generations. As he has always said, “Our treaties are portable! No matter where we are, we are in our territory—on or off-reserve it doesn’t matter! Inniniwak are strong and healthy, and we will take care of ourselves.”

Chief Erica Beaudin, Cowessess First Nation

Chief Erica Beaudin (she/her) is a Nehiyaw/Metis woman from the Cowessess First Nation on Treaty Four territory. Her leadership is deeply rooted in the values of family and community, holding the sacred roles of grandmother, mother, wife, and kin within her Nation. These roles are integral to her identity and leadership, reflecting the profound importance of family and cultural responsibilities in Indigenous life.

Erica's academic credentials include formal education in Women's/Gender Studies, Indigenous Communication, and professional designations in Indigenous Governance and Sovereignty. However, her most profound education comes from her lifelong learning with Indigenous Knowledge Keepers, spiritual leaders, and matriarchs, whose teachings guide her leadership. Elected as Chief of Cowessess First Nation in 2023, Erica's tenure is marked by a relentless commitment to cultural revitalization and resurgence, which are central to her vision for her Nations future. She subscribes to creating a strong economic base to have a strong and stable social net.

Before becoming Chief, she served as Executive Director of Regina Treaty/Status Indian Services (RTSIS), where she played a crucial role in establishing emergency shelters, subsidized housing, and second-stage housing for Indigenous peoples. Under her leadership, RTSIS became a key force for urban Indigenous empowerment, focusing on strengthening urban Indigenous identity through cultural programming and addressing the unique needs of Indigenous peoples living off-reserve. Throughout her career, Erica has consistently advocated for the well-being of Indigenous children, youth, and families, ensuring that their inherent and treaty rights are prioritized in community development. One of her priorities is creating a system of achieving true jurisdiction for Cowessess to properly care for children, youth and families. Her leadership blends compassion with practical wisdom, drawing on both traditional Indigenous values and modern governance to create an inclusive vision for Cowessess. Her efforts emphasize cultural revitalization, community growth, and the importance of collaboration within and beyond Indigenous communities to advance collective well-being.

Beyond her work in Cowessess, Erica has been a dedicated advocate for social justice, including addressing homelessness and supporting initiatives to honor and remember Missing and Murdered Indigenous Women and Girls (MMIWG). Currently, she sits as the Chair of the Saskatchewan First Nations Women's Commission as well as the Saskatchewan Representative of the National Chiefs Commission on Long Term Reform. Her leadership continues to reflect a deep commitment to the restoration of culture, the empowerment of her people, and the creation of a stronger future for her Nation and all Indigenous communities.

Chief Crystal Okemow, Lucky Man Cree Nation

Chief Crystal Okemow has served Lucky Man Cree Nation as Chief since 2016. She was recently re-elected for a further term of 4 years.

She holds a Health Administration Diploma. She is a Certified Water Plant Operator as a Level 2 in Water Treatment and Distribution and Level 1 in Wastewater Treatment and Collection. Chief Okemow has also worked as Water Quality Monitor.

Chief Okemow has served her Nation in Health Administration and water monitoring capacities for over 20 years. For the past three years, she has been the Board Chair for the Child and Family Center and the Health Center that Lucky Man Cree Nation is a member of. Chief Okemow is a proud mother to one daughter.

Chief Kelsey Jacko, Cold Lake First Nations

Chief Kelsey Jacko of Cold Lake First Nations (Łue Chok Tuę) has been serving his people as Chief since June 2022, after having been elected three times as a Councillor.

Chief Jacko is close to the struggles of his relations, and a staunch defender of compassionate action towards his fellow community members and the lands that have supported them since time immemorial. He is fighting for his Nation to regain Food Sovereignty, and to reconnect with the gifts of the lands. He is a defender of Cariboo, supporting his nation to achieve a Section-Eleven agreement with Canada to enable their protection, and believes strongly that caring for the lands and the people are intertwined.

As a Nation on the edge of the Boreal, Chief Jacko's community has recently hosted wildfire evacuees, and he is acutely aware of the logistical barriers facing remote communities both in times of crisis and everyday services. After the Draft Long Term Reform Agreement was rejected by the Nations in Assembly in October 2024, Chief Jacko was nominated by his colleagues at Treaty Six to offer his services on the National Children's Chiefs Commission with Chief Desmond Bull. He committed himself in Ceremony to the work at Squamish Nation in January and has been attending weekly meetings ever since in an effort to get Canada back to the negotiating table.

As a Sixties Scoop Survivor, he wants to make sure no other kids have to go through what he did.

Chief Desmond G. Bull, Louis Bull Tribe of the Maskwacis Nation

Desmond G. Bull is an elected Chief for the Louis Bull Tribe of the Maskwacis nation in this treaty 6 territory of Alberta. Starting in the field of education, Desmond began working for Maskwacis in 2002, and continued till 2013. The employable responsibilities in education began with his role as a teacher's assistant. With continued training he added responsibilities such as: youth career development, events coordinator and I.T. personal. During his training, Desmond has successfully completed the Aboriginal Leadership, Governance and Management at the Banff Art Centre in 2012.

With these tools Desmond campaigned and in the spring of 2013 Desmond was elected to his first term for the community of Louis Bull Tribe. This role continued in office when was re-elected in 2016, 2018 and recently elected as Chief for his tribe in 2022. In 2023 to 2024, Desmomd Took on the role as Confederacy of treaty 6. His role as a leader had allowed him to sit on various boards in the Maskwacis, provincial federal areas, which he still continues to do.

In his first term as an elected official, Councillor Desmond Bull at that time, began to research and started to develop initiatives for PV systems (Solar) to be installed on their public buildings. This priority was to utilize the sun to harness energy and convert it to electricity to offset utility finances and divert them internally to department programs. With the proper research that included training, Desmond had successfully spearheaded the installations of 188 Kwh of PV (solar) on 8 public separate buildings which will have been completed in February 2018. These projects are installed by trained band members, 100 % owned by the tribe and fully funded through grants/subsidies, infrastructure development, sponsorship and fundraising. Louis Bull Tribe did not invest any capital into these projects. This work in renewables opened opportunities for Chief Desmond to affiliate himself with groups such as: The Green Economy Network in Edmonton, Energy Futures Lab of Alberta, Alberta Solar Energy Society, Aboriginal Climate Action Team and the 20/20 Catalysts program.

The work is he assisted on the report for The Alberta Energy Efficiency Advisory Panel in 2018 created the initiative for the department of Alberta Indigenous Relations to inject 20 million dollars into first nation renewable programs in Alberta. Chief Desmond continues his work for his community, first nations and the environment. A vison for Desmond is to create co-generation MWH electrical systems to provide all electrical needs for his tribe and surrounding communities.

Along side these systems Chief Desmond Bull wants his tribe to own their own utility grids, create their own utility services, utilize biomass for waste management, make the shift to electrical vehicles with a battery storage program, initiate food/water sovereignty programs all the while creating capacity development for there members in all these fields. Chief Desmond realizes these are lofting goals and must utilize the treaties, UNDRIP and TRC to create partnerships/collaborations with industry, education, government and fellow nations to bring these goals to fruition.

Chief Rebecca Knockwood, Amlamgog (Fort Folly First Nation)

Chief Rebecca Knockwood is the first female Chief of Amlamgog (Fort Folly First Nation), elected in 2013 after serving five consecutive terms as a Councillor. She oversees Education and Fisheries in her community, focusing on economic and social advancement.

She is Co-Chair of Mi'gmaq United Investment Network (MUIN), promoting economic opportunities for Mi'gmaq communities, and Mi'gmawé'l Tplu'taqnn Inc. (MTI), which works on consultation and rights assertion for eight Mi'gmaq communities in New Brunswick.

Chief Knockwood also serves on the Advisory Board for Violence Against Aboriginal Women in NB, helping implement the Calls for Justice from the Missing and Murdered Indigenous Women and Girls Inquiry (MMIWG).

Above all, she is proud to be a mother of six and a grandmother to twelve.

Chief Brake, Qalipu First Nation

Elected as Qalipu First Nation Western Vice-Chief in 2021 and elected as Chief in 2024, Chief Brake brings a diverse background and experience as a welder, artist and community advocate. She strives to foster meaningful relationships and promotes the advancement of the people she represents.

Chief Brake's dedication extends to broader Indigenous platforms, serving on the Newfoundland and Labrador Provincial Indigenous Women's Steering Committee, and on a national level at the Assembly of First Nations (AFN) Chief's Committee on Charter Renewal as well as the AFN Fisheries Committee. She is an ambassador with the Canadian Seals and Sealing Network and also sits on the Newfoundland and Labrador's RCMP Commanding Officer's Indigenous Advisory Committee.

Supported by her family, Chief Brake remains steadfast in her dedication to the growth of Qalipu First Nation and the preservation of Mi'kmaq values and traditions.

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

CANADIAN HUMAN RIGHTS COMMISSION

Commission

-and-

ATTORNEY GENERAL OF CANADA

(representing the Minister of Indigenous and Northern Affairs Canada)

Respondent

-and-

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA and
NISHNAWBE ASKI NATION**

Interested Parties

REPLY SUBMISSIONS OF THE NATIONAL CHILDREN'S CHIEFS COMMISSION

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**Counsel for the Proposed Interested Party,
The National Children's Chiefs Commission**

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1. The NCCC¹ makes the following six reply arguments. In sum, the NCCC should be granted interested party status in the remedial stage of this proceeding on the terms it seeks on this motion.

A. The NCCC has deep regional expertise across Canada that will assist the Tribunal

2. COO and NAN argue at paras. 4, 28, and 33 of their response that “[t]he NCCC has no expertise in these proceedings,” “the regional expertise professed by the prior proposed interested parties,” or “unique expertise in Jordan’s Principle.”² This is false. In reply, the NCCC Commissioners have deeply relevant lived-experience and expertise in relation to FNCFS that they apply in their leadership roles.³ The Commissioners are supported by technicians and negotiators who collectively have hundreds of years of on-the-ground experience delivering FNCFS in every region across Canada outside Ontario.⁴ No other party has the depth and breadth of expertise that the NCCC will rely upon to assist the Tribunal. Indeed, the Tribunal expressly recognized the important role the NCCC could play in developing what would become the Loving Justice Plan.⁵

3. The NCCC did, in fact, play that role. It led the regional engagement process and worked collaboratively with the Caring Society and AFN to incorporate feedback into the Loving Justice Plan.⁶ As the AFN puts it at para. 16 of its response, “[t]he importance of these engagements should not be understated.”⁷ There is already strong evidence of how the NCCC’s expertise will assist the Tribunal, given the timing of this motion relative to the submission of the Loving Justice Plan.

¹ All capitalized terms not otherwise defined herein have the meanings ascribed to them in the Written Submissions of the NCCC, filed December 19, 2025 (“**NCCC Submissions**”).

² Responding Factum of the Interested Parties, Chiefs of Ontario and Nishnawbe Aski Nation (“**COO/NAN Response**”) at paras 4, 28, 33; *see also* COO/NAN Response at paras 35-37, 41-43 for similar arguments.

³ For an overview of the NCCC Commissioners’ experience, see the Reply Affidavit of Chief Frost (Feb. 12, 2026) (“**Reply Affidavit**”) at paras 25 to 49.

⁴ For an overview of the NCCC technicians and negotiators experience, see Reply Affidavit at paras 50 to 51.

⁵ *Caring Society et al v Canada, 2025 CHRT 80* at paras 77-78, 106, 107, 110, 119, 120.

⁶ For a description of the NCCC’s engagement process across Canada, see Reply Affidavit at paras 15 to 24.

⁷ Responding Written Submissions of the Assembly of First Nations (“**AFN Response**”) at para 16.

B. The NCCC and the AFN have distinct perspectives that will assist the Tribunal

4. At para. 19 of their response, COO and NAN argue “[t]he NCCC’s interest is identical to the AFN’s.”⁸ At para. 46 of its response, Canada states “[t]he NCCC has also not explained how it will avoid the same political pressures” of the AFN.⁹ Similarly, Canada argues at para. 42 of its response the NCCC, the AFN, and the Caring Society represent the First Nations-in-Assembly and their submissions: (a) will either be duplicative; or (b) will differ such that “the Tribunal would be faced with internally inconsistent positions on behalf of the First Nations-in-Assembly that are impossible to reconcile.”¹⁰ In reply, these concerns are hypothetical, unsupported by the facts, and based on incorrect understandings of differences between the NCCC and AFN.

5. The AFN provides a full answer to these concerns. The AFN has confirmed that the NCCC and AFN are “fulfilling different roles.”¹¹ For example, the AFN Charter dictates “the AFN cannot, and will not, litigate against one of its own regions in this proceeding.”¹² As a result, “the AFN has taken no position, and made it clear that it will take no position” on the Ontario Final Agreement (“OFA”).¹³ In contrast, the NCCC does not have such limitations and is therefore in a unique position to advance distinct positions the AFN cannot. This does not, however, mean that the NCCC and AFN will take internally inconsistent positions. Rather, it reflects the unique role that First Nations-in-Assembly bestowed upon the NCCC to specifically address concerns about AFN’s limitations to address matters that were arising in this proceeding.

⁸ COO/NAN Response at para 19; *see also* COO/NAN Response at paras 3, 4, 25, 29, 32, 40, 42, 43 and Written Submissions of Canada (“**Canada Response**”) at paras 2, 4, 35, 36-39, 43 for similar arguments.

⁹ Canada Response at para 46.

¹⁰ Canada Response at para 42.

¹¹ AFN Response at para 10; *see also* Affidavit of Andrew Bisson (Feb. 4, 2026) at paras 9-19, Motion Record of the AFN, Tab 2. (“**Bisson Affidavit**”).

¹² Bisson Affidavit at para 15.

¹³ AFN Response at para 11.

6. The Tribunal should respect the First Nations-in-Assembly's self-determination and self-governance rights to provide the NCCC a unique role on FNCFS and Jordan's Principle long-term reform. In any event, the First Nations-in-Assembly, by its nature, holds many perspectives. This Tribunal has recognized "the Indigenous community in Canada *is not a monolith* and that its diversity produces a complex and nuanced body of experience, knowledge, and expertise."¹⁴ The Tribunal is capable of balancing differing views—that is one of its core functions.

C. The Loving Justice Plan is "proof of concept" avoiding duplication is feasible

7. At para. 1 of its response, Canada argues "[t]he NCCC's intervention ... will *inevitably* result in duplication."¹⁵ COO and NAN make similar arguments at paras. 27 and 43 of their response. In reply, such concerns are hypothetical and not supported by the facts in relation to the NCCC's initial, informal participation in this proceeding. The NCCC has already established, through its work on the Loving Justice Plan, that it will coordinate with the Caring Society and the AFN to avoid duplication. That perspective is shared by the co-complainants, COO, and NAN:

- a. in the Caring Society's words, "[t]he Caring Society, the NCCC and AFN successfully collaborated to deliver the Loving Justice Plan ... these parties will be able to collaborate to ensure that there is no duplication;"¹⁶
- b. in the AFN's words, "[t]he NCCC played an important role in conducting regional engagements."¹⁷ While Canada tries to leverage past NCCC-AFN disagreements, the AFN confirms "the relationship has changed significantly ... evidenced by the manner in which the NCCC's work was integrated into ... the Loving Justice Plan,"¹⁸ and

¹⁴ *Caring Society et al v Canada*, [2022 CHRT 26](#) at para 55 [emphasis added].

¹⁵ Canada Response at para 1 [emphasis added]; *see also* Canada Response at paras 2, 49.

¹⁶ Caring Society Letter Response, dated February 4, 2026, pp 1-2.

¹⁷ AFN Response at para 14.

¹⁸ Canada Response at para 18; AFN Response at para 17.

c. COO and NAN admit “[t]hese processes demonstrate that the AFN, the Caring Society, and the NCCC are able to work together.”¹⁹

D. The NCCC will not introduce new issues

8. At para. 44 of its response, Canada argues the NCCC will introduce new issues based on First Nations-in-Assembly resolutions setting the NCCC’s mandate.²⁰ COO and NAN make a similar argument at para. 45 of their Responding Factum.²¹ In reply, while its mandate may be broader than what is properly before the Tribunal, the NCCC’s mandate will not define its conduct in this proceeding. The NCCC has already committed to not “re-open closed issues or introduce new ones.”²² Moreover, the Loving Justice Plan provides evidence that the NCCC’s initial, informal participation in this proceeding has not introduced new issues. Canada, COO, and NAN’s ‘concerns’ are hypothetical and not borne out by the facts.

E. The NCCC is not too late for the remedial phase of this proceeding

9. At para. 53 of its response, Canada argues “it would be highly prejudicial to the parties to permit the NCCC to participate in the [OFA] motion.”²³ COO and NAN raise similar concerns.²⁴ As the OFA hearing is on February 26 and 27, 2026, it would be impractical for the NCCC to participate. *Accordingly, the NCCC no longer seeks to participate in the OFA motion, removing any possibility the NCCC would delay its resolution.* More broadly, the NCCC has committed to “adhere to all timelines.”²⁵ Granting the NCCC interested party status will not create prejudice.

¹⁹ COO/NAN Response at para 31; *see also* COO/NAN Response at para 11; Canada Response at para 35, 36, 40.

²⁰ Canada Response at paras 44, 45; *see also* Canada Response at para 3.

²¹ COO/NAN Response at para 45.

²² NCCC Submissions at para 44.

²³ Canada Response at para 53; *see also* COO/NAN Response at paras 2, 25, 44-49.

²⁴ COO/NAN Response at paras 5, 6, 19, 25, 44-47.

²⁵ NCCC Submissions at para 44.

10. At para. 50 of its response, Canada argues “late arriving proposed intervenors lack the context and background.”²⁶ COO and NAN make similar arguments.²⁷ In reply, there is ample evidence the NCCC is up to speed. The NCCC “has conducted broad … engagement over the Fall of 2025” and “the [Loving Justice Plan] is based on the NCCC’s engagement, reflecting many First Nations voices across the country.”²⁸ “[D]iscussions on the reform of Jordan’s Principle have not resumed.”²⁹ The NCCC is ready when discussions resume.

F. Canada’s evidentiary concerns must be disregarded

11. At para. 27 of its response, Canada argues “caution should be exercised in reviewing the NCCC’s evidence” because “[n]o other party was permitted to file responding evidence and there was no process [for] cross-examination.”³⁰ In reply, this is false. AFN, COO, and NAN filed responding affidavits.³¹ Moreover, the NCCC asked Canada *twice* if it wished to cross-examine Chief Frost.³² Its only response was it “do[es] not have instructions.”³³ Canada is the author of its own misfortune, which it could have avoided by simply asking the NCCC to make Chief Frost available for cross-examination. This concern must be entirely disregarded.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 13th day of February, 2026.



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²⁶ Canada Response at para 50; *see also* Canada Response at paras 51-53 for similar arguments.

²⁷ COO/NAN Response at para 44; *see also* COO/NAN Response at paras 5, 45-49.

²⁸ Bisson Affidavit at paras 24-25; Reply Affidavit at paras 15 to 24.

²⁹ COO/NAN Response at para 13.

³⁰ Canada Response at para 27.

³¹ Affidavit of Summer Dulai (Feb. 2, 2026); Bisson Affidavit.

³² Letter from A. DeParde to P. Mantas, et al, dated Dec. 10, 2025, p 2, Exhibit “C” to Reply Affidavit; Counsel Email Chain (Dec. 10-18, 2025), Exhibit “D” to Reply Affidavit.

³³ Counsel Email Chain (Dec. 10-18, 2025), Exhibit “D” to Reply Affidavit.

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SCHEDULE “A” – LIST OF AUTHORITIES

1.	<i>Caring Society et al v Canada</i> , <u>2025 CHRT 80</u>
2.	<i>Caring Society et al v Canada</i> , <u>2022 CHRT 26</u>

SCHEDULE “B” – STATUTES

N/A