



## Amendments to the Loving Justice Plan for Long-Term Reform of First Nations Child and Family Services

The First Nations-led and designed [Loving Justice Plan to Long-Term Reform of First Nations Child and Family Services \(FNCFS\) Outside Ontario](#) was filed with the Canadian Human Rights Tribunal (Tribunal) on December 22, 2025, pursuant to the Tribunal's order in [2025 CHRT 80](#).

As Canada refused to collaborate, two distinct plans are now before the Tribunal, the Loving Justice Plan and [Canada's National Plan](#). Unlike Loving Justice, there is no known First Nations input into Canada's Plan and no known process for First Nations led amendment to it.

To maximize First Nations input into Loving Justice, a First Nations-led amendment process was undertaken after the plan was filed. First Nations were invited to review the Loving Justice Plan and provide feedback, including proposed revisions and implementation considerations. This information sheet describes the amendments that flowed from that process and were submitted to the Tribunal to ensure Loving justice continues to reflect First Nations priorities.

### Amendment 1: Inclusion of First Nations without reserve lands

The first amendment introduces an additional paragraph under the heading "Measure: Outlining Purpose, Scope and Interpretation" at page 10 of the Loving Justice Plan. This amendment clarifies the inclusion of First Nations, with *Indian Act* band status but without reserve lands, within the scope of the Loving Justice Plan. These Nations are sometimes referred to as "landless" First Nations.

The added provision confirms First Nations for which Canada currently or previously funds child and family services or related supports are included in Loving Justice. This clarification is intended to ensure certainty in eligibility and to avoid service gaps or unintended exclusion. By explicitly recognizing these communities, the amendment reinforces Loving Justice's objective of equitable access and continuity of services across all First Nations populations served under the FNCFS.

### Amendment 2: Timelines and Written Reasons for Funding Decisions

The second amendment revises language at page 63 of the Loving Justice Plan, concerning the backstop actuals funding mechanism.

Specifically, it replaces the reference to "30 calendar days" with "15 business days" for the requirements to notify the National Oversight Council (Regionally representative Chiefs body overseeing the implementation of long-term reform nationally) of outstanding funding requests and the threshold at which such requests become eligible for interim funding pending decision-making.

In addition to shortening the timeline, the amendment introduces a requirement that any Indigenous Service Canada (ISC) denial of a funding request must be provided in writing and include the evidence and rationale supporting the decision, including confirmation that the denial is consistent with the Purpose and Principles of the FNCFS Reforms.

This change helps to align the Loving Justice Plan with established timelines under [2018 CHRT 4](#) and strengthens procedural fairness, transparency, and accountability in funding determinations.

### Amendment 3: Treatment of Children's Special Allowances

The third amendment clarifies that amounts received pursuant to the *Children's Special Allowances Act* (CSA) and similar statutory benefits must not be considered part of an agency's baseline budget or used in calculating service delivery funding (page 64).

The amendment explicitly states the CSA is not to be treated as a substitute for, or offset against, Canada's funding commitments for FNCFS. It further specifies that Canada must not reduce, cap, delay, or withhold funding on the basis that a First Nations service provider, caregiver, or related entity receives CSA. Instead, CSA is to be administered and accounted for as child-specific funding, to be used exclusively for the benefit of the children for whom it is provided, consistent with statutory requirements.

This clarification ensures that child-specific benefits remain distinct from First Nations child and family services funding and that core service funding is not diminished through indirect offsets.

## Next Steps

The amendments to the Loving Justice Plan demonstrate an approach aligned with the United Nations Declaration on the Rights of Indigenous Peoples: First Nations designed the plan based on national submissions from First Nations outside Ontario and led an amendment process to ensure the plan remained grounded in their lived realities, priorities and rights. By contrast, Canada's plan has no known First Nations input and no known process for First Nations led amendments. The Loving Justice amendments enhance certainty, strengthen accountability mechanisms and uphold commitments to equitable and culturally appropriate service delivery in FNCFS.

First Nations considering negotiations or agreements with Canada should carefully review Loving Justice and Canada's Plan in advance and take note that neither Canada's Plan nor Loving Justice has been approved by the Tribunal. Canada will likely make any agreement on its plan contingent on Tribunal approval. Any discussions should therefore be without prejudice to First Nations' rights, interests, and positions, and should not undermine the First Nations-led Loving Justice process or the Tribunal's determination of the lawful path for long-term reform.

The Tribunal has set a schedule to review both plans with a tentative hearing date in January of 2027. In the interim, updates and additional information, including comparisons between the First Nations led Loving Justice Plan and Canada's Plan are available at [FNCFS Resources webpage](#).

## Background

On August 20, 2025, the Tribunal issued 2025 CHRT 80, ordering Canada, the First Nations Child and Family Caring Society (Caring Society), and the Assembly of First Nations (AFN) to develop and submit proposals for long-term national reforms to FNCFS aimed at permanently ending Canada's discriminatory practices.

The Tribunal directed the parties to file their submissions by December 22, 2025, either jointly or separately. It also ordered the Caring Society and the AFN to collaborate with the National Children's Chiefs Commission (NCCC) and ensure that the perspectives of young people were reflected in the process.

Guided by the input of First Nations Rights Holders, Tribunal orders, and the best available evidence spanning nearly 30 years, the Caring Society and the NCCC developed an [engagement guide and associated resources](#) organized around nine key themes.

Throughout the fall of 2025, the NCCC and the Caring Society received feedback following more than 100 engagement sessions held across Canada (excluding Ontario) that led to over 50 different submissions that informed the creation of the Loving Justice Plan.