First Nations Child &
Family Caring Society

November 2, 2026

What is happening at the Tribunal regarding Jordan's Principle?

Ongoing Tribunal proceedings pursuant to 2025 CHRT 6



The Canadian Human Rights Tribunal (Tribunal) has ordered a process to address the outstanding issues identified in 2025 CHRT 6 given that the Parties could not arrive at consent orders. The Tribunal is also examining whether its Jordan's Principle orders are being fully implemented in a manner that achieves substantive equality and eliminates Canada's discrimination against First Nations children.

The Tribunal confirmed that evidence regarding Canada's implementation of Jordan's Principle since 2025 CHRT 6, ordered in January 2025, may be necessary to determine whether its previous orders are effective.

The outcome of this process may have a significant impact on how First Nations children, families and communities access Jordan's Principle.

With all submissions now filed, the Tribunal has scheduled virtual hearings for November 9, 12, 17, 18 and 19, 2026. Once the hearing have concluded, the Parties will be invited to file written arguments for the Tribunal's consideration before it issues its determinations.

For all the materials relating to this process and background information, please visit jordansprinciple.ca.

Key issues before the Tribunal

How are Jordan's Principle requests being determined?

One of the key issues before the Tribunal is how Indigenous Services Canada (ISC) determines Jordan's Principle requests.

In June 2026, the Tribunal directed Canada to provide its operational definition of substantive equality and its decision-making framework. Canada advised that it does not have an operational definition of substantive equality or a decision-making framework.

Decision-making frameworks promote consistency, transparency and accountability in government decision-making processes. For example, Canadians would not expect border officials to decide who may enter Canada based solely on personal judgement, and without a decision-making framework to ensure accountable and consistent decisions.

Without a clear and transparent decision-making framework, it can be difficult to understand:

- how requests are assessed;
- why some requests are approved and others are denied;
- whether similar requests receive similar decisions across the country;
- how substantive equality is being applied in practice; and
- whether ISC is complying with the Tribunal's orders.

What orders are being sought in the Joint Notice of Motion?

The Caring Society, AFN, COO and NAN filed a Joint Notice of Motion on September 9, 2026 seeking orders that would require Canada to:

- publicly report on its implementation of Jordan's Principle, including compliance and corrective actions taken to address areas of non-compliance;
- establish and apply a clear, Tribunal-compliant definition of substantive equality and decision-making framework;
- establish an independent appeals process that includes outside expertise;
- establish an independent complaints mechanism; and
- withdraw the February 2025 Operational Bulletin and cease relying on guidance that is inconsistent with Tribunal orders.

What issues remain unresolved from 2025 CHRT 6? [1]

The issues that are unresolved include:

- **Backlogs**: Ensure that Canada's backlog reduction efforts result in timely and substantively equal services for First Nations children, rather than simply reducing the number of outstanding files.
- **Reimbursements and payments**: Ensure that Canada's reimbursement and payment processes are not creating hardship or disrupting access to services.
- **Urgent requests:** Ensure that Canada identifies and processes urgent requests in a manner that meets the urgent needs of the child.
- **Complaints mechanism**: Establish an independent and accessible complaints mechanism that provides timely remedies and accountability.
- **Coordination of federal programs**: Ensure that Canada coordinates its federal programs in a way that prevents delays, service gaps and jurisdictional disputes.

Timeline of key developments

June 2026: Tribunal seeks more information regarding Canada's implementation of Jordan's Principle

- Following a request from the Caring Society, the Tribunal held a case management conference to discuss unresolved issues from 2025 CHRT 6 and directed Canada to provide its operational definition of substantive equality and decision-making framework.
- Canada later responded that it has neither a publicly available operational definition of substantive equality nor a decision-making framework.
- Canada stated that it was continuing to work on 2025 CHRT 6 and viewed the Jordan's Principle Operational Bulletin as part of that work. It also indicated that nearly 120,000 requests remained in the backlog.

July 2026: Parties propose a process to resolve outstanding issues

- The Caring Society filed submissions seeking clarification on backlogs, reimbursements and payments, urgent requests, group requests, the complaints mechanism and disclosure of operational materials.
- The Caring Society raised concerns that Canada lacks an operational definition of substantive equality and a publicly available decision-making framework, making it difficult to assess whether Jordan's Principle decisions are consistent, transparent and compliant with Tribunal orders.
- The Tribunal directed the Parties to propose a process for resolving the outstanding issues.
- The Caring Society, AFN, COO and NAN jointly proposed a process involving disclosure, written submissions, cross-examinations and, if necessary, a hearing.

August 2026: Canada objects and the Tribunal orders a process

- Canada opposed the joint proposal, objected to disclosure requirements and proposed a narrower process.
- Canada argued that further Tribunal orders could negatively affect operations and backlog-reduction efforts.
- The Tribunal established a process to address the outstanding issues and confirmed that evidence about Canada's implementation of Jordan's Principle since 2025 CHRT 6 may be necessary to assess whether its orders are effective.
- The Tribunal stated that it remains open to evidence and argument regarding backlog management and that a simple assertion against Tribunal intervention is not acceptable given its responsibility to ensure the effectiveness of its orders.
- The Tribunal emphasized that delays must be justified in light of the best interests of First Nations children.

September 2026: First Nations Parties request orders and Canada seek their dismissal

- The Caring Society, the Assembly of First Nations (AFN), Chiefs of Ontario (COO) and Nishnawbe Aski Nation (NAN) (collectively, the First Nations Parties) filed a Joint Notice of Motion seeking orders on a range of issues, including addressing backlogs, the appeals process, Canada's decision-making framework, as well as measures to improve accountability and consistency in

[1] For a full list of the Tribunal's unresolved orders in 2025 CHRT 6, refer to the 2025 CHRT 6 Information Sheet at fncaringsociety.com/publications/2025-chrt-6-information-sheet

Canada's implementation of Jordan's Principle through public reporting and mechanisms to address non-compliance.

- Canada submitted its response requesting that the orders sought in the Joint Motion be dismissed on the basis that they exceed the Tribunal's remedial role, duplicate existing processes, and could impede ongoing improvements to Jordan's Principle service delivery and backlog reduction.
- The First Nations Parties filed a Joint Reply as well as the multiple will-say statements.

October 2026:

- Canada filed three will-say statements regarding the Jordan's Principle process established by the Tribunal.

Important Note

On September 17, 2026, Canada submitted a notice of application for Judicial review of the Canadian Human Rights Tribunal's August 18, 2026, letter-decision regarding the Chairperson's dismissal of Canada's request to reconstitute the three member Tribunal panel hearing the inquiry, with reasons to follow.

Background

In December 2023, the Caring Society filed a non-compliance motion with the Tribunal, alleging that Canada was failing to comply with the Tribunal's orders on Jordan's Principle resulting in increasing harms to First Nations children.

In January 2025, the Tribunal issued its full decision in 2025 CHRT 6, following its letter-decision issued in November 2024.

The Parties participated in Tribunal-assisted mediation and additional discussions. While significant time and resources were devoted to mediation, the process was unsuccessful.