

This is **Exhibit " J "** to the Affidavit
of **Anne Scotton** sworn before me at
Thunder Bay on
the 12th day of February, **2020**.

Jennifer Anne Genereux-Gernat

A Commissioner for taking Affidavits

Jennifer Anne Genereux-Gernat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development
Expires April 24, 2020.

Scollan, Tina (AADNC/AANDC)

From: Johanson, Nancy (MCCSS) <Nancy.Johanson@ontario.ca>
Sent: October-16-19 1:57 PM
To: Thai, Catherine (AADNC/AANDC)
Cc: Braakman, Michelle (MCCSS); Constantinidis, Nick (MCCSS); Caldwell, Sarah (MCCSS); Hossain, Forhad (AADNC/AANDC)
Subject: RE: Agency Budgets and Remoteness question
Attachments: Child Welfare Funding Model - schematic_EN_r.pdf; 2019-20 CWFIM-Indigenous Societies.xlsx

Hi Catherine

My apologies for the delay in responding. Time was needed to pull together the information requested.

I am sharing with you a schematic of the child welfare funding model, that shows the factors and their respective ratios. A funding allocation for *Remoteness* (under the Socio-economic component of the model) is based on each society's catchment area (square kilometers). In addition to the remoteness allocation, a funding allocation is provided through *Pre-formula Adjustments* (top of the schematic) for infrastructure, administration, technology and travel, based on each society's actual 2011-12 audited actual expenditures. The funding model provides each society with full financial flexibility to manage all service delivery and operational expenditures within its total funding allocation; funding is not provided on a line-by-line basis.

I am also attaching a table that provides the following information for six Indigenous societies that were designated prior to the 2011-12 fiscal year:

- Remoteness: Square kilometers of the society's catchment area and 2019-20 funding model allocation for remoteness.
- Pre-formula Adjustments: 2019-20 funding model allocation for the society based on its 2011-12 infrastructure, administration, technology and travel audited actual expenditures.

Funding for the six Indigenous societies designated after 2011-12 is provided using a transitional approach to support continued capacity development.

Thanks
Nancy

From: Thai, Catherine (AADNC/AANDC) <catherine.thai@canada.ca>
Sent: October 11, 2019 2:34 PM
To: Johanson, Nancy (MCCSS) <Nancy.Johanson@ontario.ca>
Cc: Braakman, Michelle (MCCSS) <Michelle.Braakman@ontario.ca>; Constantinidis, Nick (MCCSS) <Nick.Constantinidis@ontario.ca>; Caldwell, Sarah (MCCSS) <Sarah.Caldwell@ontario.ca>; Hossain, Forhad (AADNC/AANDC) <forhad.hossain@canada.ca>
Subject: RE: Agency Budgets and Remoteness question

Nancy, thank you kindly for your quick response. It is greatly appreciated.

Are you able to share the information on the square kilometers for each society's jurisdiction? And how is the portion of remoteness that is based on the expenditures for travel and infrastructure factored in, and are the expenditures based on previous years or projections from the society? Is there an Excel sheet that you can share that would explain the ratio/factors that determine the weight of each and how it formulates the amount?

Thanks again.

Catherine Thai
Director, Child and Family Services Reform and Transformation
Ontario Region
Indigenous Services Canada / Government of Canada
Catherine.Thai@Canada.ca/Telephone: 416-973-5227 or Mobile: 416-660-3307

Directrice, Réforme et transformation des services à l'enfance et à la famille
Région de l'Ontario
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From: Johanson, Nancy (MCCSS) <Nancy.Johanson@ontario.ca>
Sent: Friday, October 11, 2019 12:36 PM
To: Thai, Catherine (AADNC/AANDC) <catherine.thai@canada.ca>
Cc: Braakman, Michelle (MCCSS) <Michelle.Braakman@ontario.ca>; Constantinidis, Nick (MCCSS) <Nick.Constantinidis@ontario.ca>; Caldwell, Sarah (MCCSS) <Sarah.Caldwell@ontario.ca>
Subject: RE: Agency Budgets and Remoteness question

Hi Catherine

The ministry provided all children's aid societies with their 2019-20 funding allocations on September 12th. The attached table provides the 2019-20 funding allocations provided to the 12 Indigenous societies.

Funding for remoteness is provided through the funding model based on the square kilometers of each society's geographical jurisdiction. The funding model also provides funding to societies based on each society's own expenditures for travel and infrastructure costs.

I have included my Director, Nick Constantinidis, in this response.

Thanks

Nancy Johanson
Ministry of Children, Community and Social Services
Manager, Child Welfare Funding Unit
Child Welfare Operations Branch
807-468-2410

From: Thai, Catherine (AADNC/AANDC) <catherine.thai@canada.ca>
Sent: October 10, 2019 5:40 PM
To: Caldwell, Sarah (MCCSS) <Sarah.Caldwell@ontario.ca>; Braakman, Michelle (MCCSS) <Michelle.Braakman@ontario.ca>
Cc: Johanson, Nancy (MCCSS) <Nancy.Johanson@ontario.ca>
Subject: Agency Budgets and Remoteness question
Importance: High

Hello ladies,

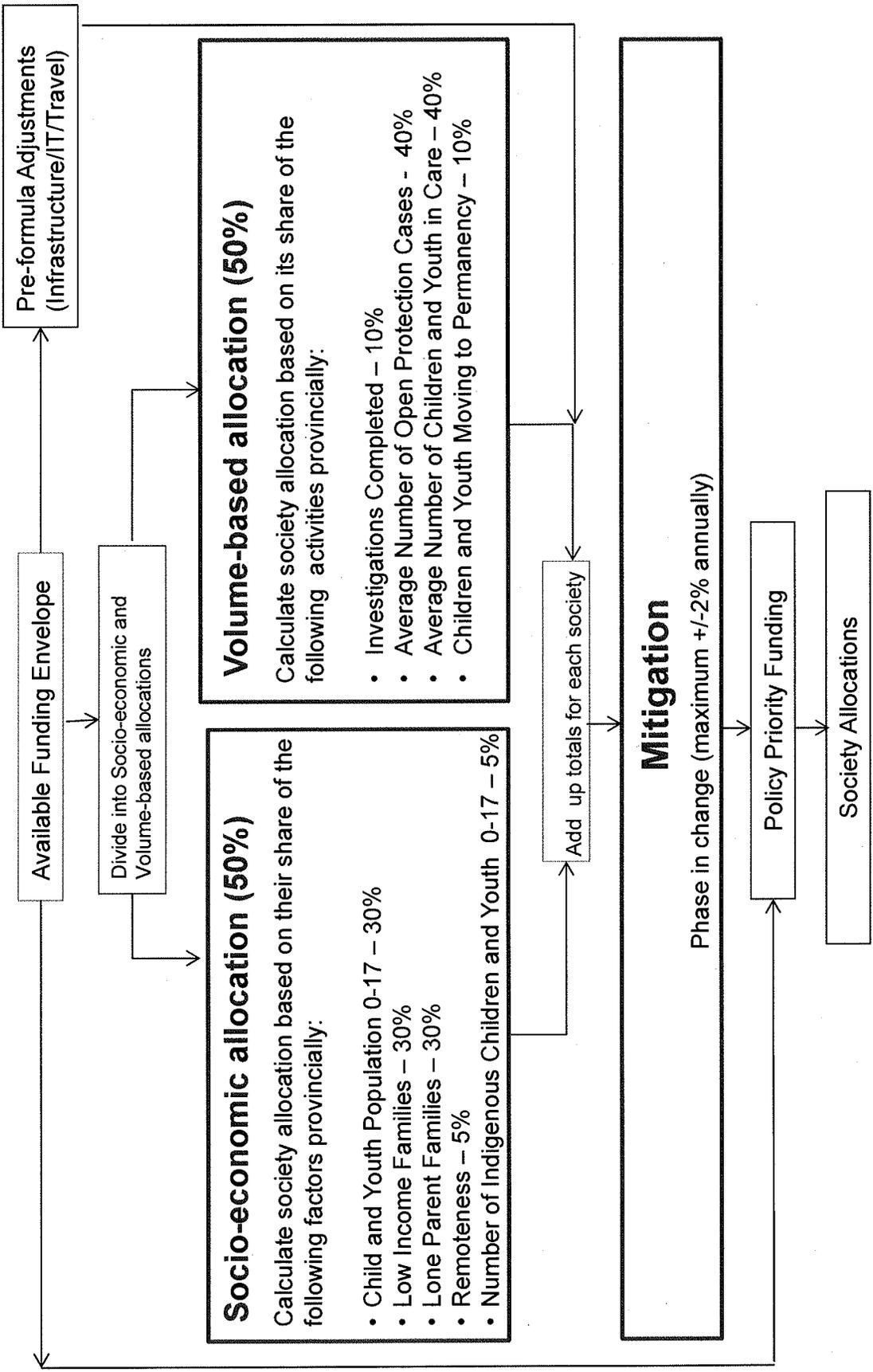
I hope that all is well with each of you.

I understand that most agencies received their notices of approved budgets a few weeks ago; are able to confirm with me the amount of funding each of the FNCFS agencies received in their approved budget for this current year. In addition to that request, can you tell me how Ontario factors in remoteness when determining funding levels? Is there an additional percentage or value factor in the Ministry's funding model to determine additional remoteness costs? If you are able to confirm this for me it would be greatly appreciated.

Kindest regards,

Catherine Thai
Director, Child and Family Services Reform and Transformation
Ontario Region
Indigenous Services Canada / Government of Canada
Catherine.Thai@Canada.ca/Telephone: 416-973-5227 or Mobile: 416-660-3307

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Pre-formula Adjustments
(Infrastructure/IT/Travel)

Available Funding Envelope

Divide into Socio-economic and
Volume-based allocations

Socio-economic allocation (50%)
Calculate society allocation based on their share of the following factors provincially:

- Child and Youth Population 0-17 – 30%
- Low Income Families – 30%
- Lone Parent Families – 30%
- Remoteness – 5%
- Number of Indigenous Children and Youth 0-17 – 5%

Volume-based allocation (50%)
Calculate society allocation based on its share of the following activities provincially:

- Investigations Completed – 10%
- Average Number of Open Protection Cases - 40%
- Average Number of Children and Youth in Care – 40%
- Children and Youth Moving to Permanency – 10%

Add up totals for each society

Mitigation
Phase in change (maximum +/-2% annually)

Policy Priority Funding

Society Allocations

Ministry of Children, Community and Social Services
2019-20 Child Welfare Funding Model Allocations

	REMOTENESS		PRE-FORMULA ADJUSTMENTS			
	Square Kilometers	Total Remoteness Funding Allocation	Travel	Infrastructure and Administration	Technology	Total Pre-formula Adjustments Funding Allocation
Indigenous Societies Designated Prior to 2011-12	#	\$	\$	\$	\$	\$
Native Child And Family Services of Toronto	630	\$15,125	\$257,598	\$1,942,429	\$186,349	\$2,386,376
Dilico Anishinabek Family Care	103,723	\$2,489,299	\$884,901	\$2,653,754	\$252,131	\$3,790,787
Weechi-it-Te-Win Family Services	15,487	\$371,675	\$205,652	\$1,685,255	\$149,356	\$2,040,263
Anishinaabe Abinoojii Family Services	120,282	\$2,886,703	\$862,283	\$2,634,549	\$204,395	\$3,701,227
Tikinagan Child & Family Services	286,987	\$6,887,554	\$4,314,168	\$6,023,053	\$429,093	\$10,766,314
Payukotayno James & Hudson Bay Family Services	141,269	\$3,390,378	\$767,054	\$1,786,144	\$376,862	\$2,930,060

This is Exhibit " K " to the Affidavit
of Anne Scotton sworn before me at
Thunder Bay on
the 12th day of February, 2020.

Jennifer Anne Genereux-Gernat

A Commissioner for taking Affidavits

Jennifer Anne Genereux-Gernat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development.
Expires April 24, 2020.

Secretariat Office
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**CHIEFS
OF ONTARIO**

Political Office
236 Frontenac Street
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P6A 6Z1
705-254-1477

September 19, 2016

**Peter R. Jones, Regional Director - Education
and Social Programs.**
Indigenous and Northern Affairs Canada
Ontario Regional Office
25 St. Clair Avenue E., 8th Floor
Toronto, ON
M4T 1M2

Assistant Deputy Minister Darryl Sturtevant
Ministry of Children and Youth Services
Strategic Policy and Planning Division
14th Floor, 56 Wellesley Street W
Toronto, ON
M5S 2S3

Dear Sirs:

Re: Distribution of Immediate Relief Investments - Chiefs of Ontario Position

I write to advise of Chiefs of Ontario's position on the distribution and allocation of "immediate relief" funding announced 2016-2017 budget by the Government of Canada for prevention services to on-reserve First Nations children in Ontario.

The Political Confederacy of Chiefs of Ontario has met and decided that the recommendation of Chiefs of Ontario for distribution of the immediate relief funding for the 2016-2017 fiscal year is based on the "Casino Rama" formula directly to Ontario First Nations for them to provide prevention services in their communities. This formula takes into account population and remoteness to an extent. This formula is one that has already been agreed to by the Chiefs in Ontario for distribution of other money, and in Chiefs of Ontario's view it represents the least complicated way of determining allocation of funding so that funds may flow without further delay. We are mindful of the Canadian Human Rights Tribunal's remarks in its September 15, 2016 decision that immediate relief funding is not intended to be perfect but that it should commence distribution in a timely fashion. We are supportive of prevention work being done directly by First Nations governments within their own communities. That said, if First Nations would like to use their funding to collaborate with other First Nations or to make contributions to their local child and family services agencies, we would also be supportive of such approaches as each First Nation can determine what suits their own families and children best.

We are in the process of producing an updated spreadsheet with updated population numbers in order to fine tune the amounts that we recommend and will forward it as soon as it is complete.

We stress that the recommendation is for distribution for this fiscal year's funding only. We look forward to ongoing further discussion in which we can fine tune the approach to distribution and allocation, being mindful of the Tribunal's directions and orders. Lastly, we wish to reiterate that this recommendation is being made without

prejudice to our position that the "immediate relief investments" are insufficient for eliminating discrimination in the short form.

We trust that Canada and Ontario will be able to work together quickly to ensure that funding is provided in a timely fashion, and we will provide the assistance we can to facilitate this process.

Should you wish to discuss any of the above, please do not hesitate to contact the undersigned.

Yours truly,



Linda Ense
Director of Social Services

Cc: Political Confederacy
SSCU

This is Exhibit " L " to the Affidavit
of Anne Scotton sworn before me at
Thunder Bay on
the 12th day of February, 2020.



A Commissioner for taking Affidavits

Jennifer Anne Genereux-Gernat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development.
Expires April 24, 2020.

Scollan, Tina (AADNC/AANDC)

From: Brickey, Salena (AADNC/AANDC)
Sent: June-14-18 5:23 PM
To: Legault, Lisa (AADNC/AANDC); Malara, Eric (AADNC/AANDC); Karpinski, Maciej (AADNC/AANDC); Kabir, Sabrina (AADNC/AANDC); Nafziger, Lisa (AADNC/AANDC); Rutledge, Adam (AADNC/AANDC)
Cc: Connolly, Lisa (AADNC/AANDC)
Subject: FW: ramp up approach and community well-being and jurisdiction initiatives
Attachments: Revised Ramp-Up Approach.pdf; Revised Community Well-being and Jurisdiction.pdf

Lisa C, for tracking.
FYI to all.

From: Isaak, Paula (AADNC/AANDC)
Sent: Thursday, June 14, 2018 5:08 PM
To: 'France.Saikali@chrc-ccdp.gc.ca'; 'jabram@aiai.on.ca'; 'Maggie Wentle'; 'Cindy Blackstock'; 'afiddler@nan.on.ca'; 'Jon Thompson'; 'akosuam@falconers.ca'; 'DTaylor@conway.pro'; 'swuttke@afn.ca'; 'Brian.Smith@chrc-ccdp.gc.ca'; 'Deputy Grand Chief Anna Betty Achneepineskum'
Cc: Brickey, Salena (AADNC/AANDC); Isaak, Paula (AADNC/AANDC); Gideon, Valerie (HC/SC); 'Robert.Frater@justice.gc.ca'; 'linda.sandy@coo.org'; Buist, Margaret (AADNC/AANDC)
Subject: ramp up approach and community well-being and jurisdiction initiatives

Dear partners.

Attached please find revised versions of the ramp up approach and the community well-being and jurisdiction initiatives documents. Thank you for your feedback.

For the ramp up approach document, you will note that two footnotes have been added to the chart to clarify that (i) where funding typically flows through a province/territory (e.g., Yukon), the department will work with the PT government to ensure all of the funding goes directly to agencies/communities, and (ii) maintenance and prevention deficits are already being covered by the department.

In order to distribute these funds as quickly as possible and in keeping with feedback from the Caring Society, we are proposing to proceed with investing the \$50.5 million for the non-EPFA regions and the \$51.8 million for remoteness by region. However, we understand that there are still some questions about the \$15 million dollars set aside to deal with 16/17 and 17/18 deficits, so we will not distribute this funding right now. Over the summer months, the department will work with agencies, including in Ontario, to better understand their operational deficits, and to support them to either submit claims for reimbursement (e.g., an operational deficit related to a building repair) or to access these funds to cover them.

In response to COO's questions about the overall funding amounts in the ramp up approach document for First Nations and for agencies, we will briefly explain the approach we used to develop these amounts here and will also connect with you directly to answer any questions you have in more detail. The amount of \$21.785 million in the column titled "Non-EPFA" was generated based on the formula the department used for Budget 2016. This formula considers 1) child population, 2) the number of children in care (with a minimum assumption of 6% children in care and actual percentages of children in care where it is known to be higher), and 3) the number of families in need of prevention services (a minimum assumption of 20% of families). While we acknowledge that this

approach has limitations, it is being used now in order to be able to flow funding quickly in order to meet needs. The amount of \$10.393 million for remoteness for Ontario (for agencies) was generated by using the total remoteness index score for all Bands by agency, multiplied by the overall First Nations population.

Regarding the question of how the ramp up funds will be allocated within regions, in everywhere other than Ontario, funds will flow to the agencies proportionally according to the formulas outlined above. In Ontario, we recognize that the plan is to allocate at least \$15.9 million of the \$21.785 million of ramp up funds to communities according to a formula still to be agreed upon by NAN and COO. To that end we will be in touch with both NAN and COO next week as we want to flow funds this month.

In response to COO's question about the funding decreases in 2019/20 (in Annex A to the community well-being and jurisdiction initiatives document), it is because the remaining three years of Budget 2016 funding are being provided over the next two-years (to accelerate the ramp up of Budget 2016 funding as recommended by the National Advisory Committee). As outlined in the Budget 2018 chart we shared with you, the new amount of funding provided for agencies/other service providers currently stabilizes in 20/21, as it is then the ongoing funding amount.

For the community well-being and jurisdiction initiatives document, in response to feedback from the Caring Society and COO, we have developed a new option (Option D 1). This option builds on the previous option D (Option D2) and includes Ontario. We would be happy to further discuss this document.

As I would like to get the ramp up funding out before the end of June, please let me know by **June 18** if you have serious concerns with the partial release of funds described above.

Thank you for your continued collaboration

Paula

Ramp-Up Approach for 2018/19

Dedicate \$50.5M to regions that did not receive equivalent EPFA, and distribute \$66.8M amongst all jurisdictions.

This option was developed based on recommendations from the Consultation Committee on May 10, 2018. The proposed distribution method would be to allocate \$50.5 million to the five regions that were previously under Directive 20-1 based on Budget 2016 formula weightings; \$15 million would be set aside to reimburse agencies with Operational Deficits in 2016/17 and/or 2017/18¹; and, the remaining \$51.8M would be distributed amongst all jurisdictions according to Indigenous Service Canada's remoteness quotients².

Notes:

- 1) The needs assessments solicited from agencies in June 2017 are not being used to determine funding distribution as they are inadequate for this purpose. This is consistent with advice given by the Institute of Fiscal Studies and Democracy (IFSD) which reviewed the assessments and found that: "While the needs assessment exercise may have been designed to support a number of processes, the results are insufficient and as a result, unusable in the context of a cost analysis to inform a funding approach" (p. 2 IFSD Analysis of Needs Assessments).
- 2) Small agencies will continue to receive funding based on actuals until an alternative system is in place, and all agencies will receive funding for actuals in prevention, intake and investigation, legal fees, building repairs and for the child service purchase amount.

Province ⁱ	Non-EPFA	Deficits ⁱⁱ	Remoteness	Total
Newfoundland and Labrador	\$ 3,161,296	TBD	\$ 594,270	\$ 3,755,566
Nova Scotia	\$ -	TBD	\$ 947,288	\$ 947,288
Prince Edward Island	\$ -	TBD	\$ 52,953	\$ 52,953
New Brunswick	\$ 6,722,811	TBD	\$ 766,303	\$ 7,489,114
Quebec	\$ -	TBD	\$ 6,532,581	\$ 6,532,581
Ontario ⁱⁱⁱ	\$ 21,785,549	TBD	\$ 10,393,266	\$ 32,178,815
Manitoba	\$ -	TBD	\$ 10,192,157	\$ 10,192,157
Saskatchewan	\$ -	TBD	\$ 7,805,383	\$ 7,805,383
Alberta	\$ -	TBD	\$ 5,296,828	\$ 5,296,828
British Columbia	\$ 16,072,915	TBD	\$ 8,672,599	\$ 24,745,514
Yukon	\$ 2,757,429	TBD	\$ 546,371	\$ 3,303,800
Total	\$ 50,500,000	\$ 15,000,000	\$ 51,800,000	\$ 117,300,000

i. In Ontario, Yukon and Newfoundland and Labrador, most or all of FNCFS funding for child and family services goes to or through the provincial government. In New Brunswick, funding for Tobique is flowed through the provincial government. With the Ramp-Up funds, the department will work with the governments of Yukon, New Brunswick and Newfoundland and Labrador to ensure that funding is provided directly to communities and/or agencies.

ii. Maintenance is paid on actuals. Any maintenance deficits an agency had at the end of a fiscal year are addressed on an ongoing basis. Prevention deficits, from January 26, 2016 to March 2018, are paid according to the February 2018 Tribunal Orders. These funds are being set aside to deal operations deficits not covered by the Tribunal orders.

iii. Ontario's allocation of the \$50.5M Budget 2016 Ramp-Up is \$21.7M, and is proposed to be funded to communities in consultation with the Technical Table on Child and Family Well-being. Ontario's allocation of the \$66.8M is \$10.3M, and is proposed to be funded to agencies.

Community Well-Being and Jurisdiction Initiatives – Draft for Consultation

Funding Allocation

Based on the feedback from the Consultation Committee, we understand that Option D is the recommended option. This option takes a broad approach to prevention, considering measures of community well-being and remoteness, population size including the proportionate number of children, as well as taking into consideration those communities not serviced by an Agency.

- Option D provides proportionate funding based on the combination of the Community Well-Being (CWB)¹ and Remoteness Indices², Status First Nation population,³ Status First Nation population on Reserve not serviced by an Agency,⁴ and Status First Nation children 0-18 years old.⁵ Data derived from the NHS 2011 and the Indian Registry as of December 31, 2017.

In response to additional feedback, Option D has been subsequently divided into two sub-options (Options D1 and D2). Option D1 includes Ontario (Table 1) while Option D2 is the version first shared on May 28, 2018 (Table 2). A breakdown of the other funding going to Ontario for agencies and communities, which would be provided under both Option D1 and D2, is available in Annex A. Note that this in addition to funding for Band Representative Services in Ontario.

For Options A to C, which were shared on May 28, 2018, see Annex B.

¹ The Community Well-Being (CWB) index is a means of examining the well-being of individual Canadian communities. Indicators of socio-economic well-being, among them education, labour force activity, income and housing are combined to give each community a well-being score. These scores are used to compare well-being across First Nations communities with well-being in non-Aboriginal communities over time. Indicators used to calculate the CWB are more complex indicators than those used in Options A and B. Data is derived from the 2011 National Household Survey (NHS).

² The Remoteness Index is an experimental Index used to measure remoteness of and accessibility to communities. It is assumed that the more remote a community, the more expensive it may be to develop and deliver a service and/or program. Models 1 and 4 calculate funding based on median Band scores for the relevant provinces/territories for each of the indices. Data is in part derived from the 2011 National Household Survey (NHS).

³ Status First Nation population derived from the Indian Registry as of December 31, 2017.

⁴ *Ibid.*

⁵ All children between 0-18 registered on the Indian Registry as of December 31, 2017.

Community Well-Being and Jurisdiction Initiatives – Draft for Consultation

Table 1: Option D1 Allocation Calculation with Ontario*

Region	CWB Risk Factor	Median RI Score	Registered Population	Proportion of Registered Population not serviced by Agency	Proportion of Registered aged 0-18 of Total Registered	Allocation
NL	0.32	0.36	30487	0.00	0.22	\$1,621,532.21
PEI	0.34	0.34	1345	0.00	0.23	\$72,653.80
NS	0.36	0.33	17009	0.00	0.29	\$976,587.23
NB	0.42	0.65	9732	0.29	0.27	\$1,052,469.36
QC	0.38	0.52	88967	0.00	0.26	\$6,523,733.66
ON	0.43	0.53	213121	0.09	0.24	\$17,616,255.12
MB	0.53	0.58	159023	0.00	0.35	\$15,317,602.23
SK	0.48	0.42	156828	0.08	0.36	\$12,975,619.26
AB	0.43	0.41	128351	0.16	0.35	\$10,409,606.67
BC	0.38	0.43	146952	0.36	0.25	\$12,317,481.63
YK	0.24	0.59	9456	1.00	0.20	\$1,116,458.83
TOTAL						\$80,000,000.00

*Reported data has been rounded where applicable

Table 2: Option D2 Allocation Calculation without Ontario*

Region	CWB Risk Factor	Median RI Score	Registered Population	Proportion of Registered Population not serviced by Agency	Proportion of Registered aged 0-18 of Total Registered	Allocation
NL	0.32	0.36	30487	0.00	0.22	\$2,079,429.14
PEI	0.34	0.34	1345	0.00	0.23	\$93,170.17
NS	0.36	0.33	17009	0.00	0.29	\$1,252,361.15
NB	0.42	0.65	9732	0.29	0.27	\$1,349,671.28
QC	0.38	0.52	88967	0.00	0.26	\$8,365,940.41
ON	See Annex A for additional information regarding Ontario's allocations					
MB	0.53	0.58	159023	0.00	0.35	\$19,643,068.57
SK	0.48	0.42	156828	0.08	0.36	\$16,639,743.94
AB	0.43	0.41	128351	0.16	0.35	\$13,349,127.01
BC	0.38	0.43	146952	0.36	0.25	\$15,795,757.89
YK	0.24	0.59	9456	1.00	0.20	\$1,431,730.44
TOTAL						\$80,000,000.00

*Reported data has been rounded where applicable

Formula: $((\text{CWB Risk Factor} + \text{Median RI Score}) \times \text{Registered Population}) + (((\text{CWB Risk Factor} + \text{Median RI Score}) \times \text{Registered Population}) \times \text{Proportion of Registered Population not serviced by Agency}) + (((\text{CWB Risk Factor} + \text{Median RI Score}) \times \text{Registered Population}) \times \text{Proportion of Registered aged 0-18 of Total Registered Population}) / \text{Total Score} \times \text{Total Allocation}$. The Indian Registry is used to calculate the proportion of children since more children are registered than identified in the Census.

Community Well-Being and Jurisdiction Initiatives – Draft for Consultation

Annex A

The Ontario funding context is unique because of the Ontario 1965 Agreement. The proposed Ramp Up approach for Ontario is different because the Province, First Nations and Canada agreed to flow Budget 2016 funding to communities.

Table 3: Ontario Proposed Ramp-Up Funding for Community Well-Being and Jurisdiction Initiatives

Item	2018-2019	2019-2020
Budget 2016 Prevention Funding	\$12,403,150.25	\$15,901,511.81
Budget 2016 Ramp Up (Budget 2018)	\$3,498,361.56 ¹	-
Additional Ramp Up Funding	\$18,287,187.48 ²	\$6,384,675.76 ³
Total	\$34,188,699.29	\$22,286,187.57

(1) The \$3.498M is the ramp up to the Year 5 amount of \$15.9M.

(2) The \$18.28M is Ontario's proposed remaining portion of the Ramp Up of \$50.5M for 18/19.

(3) The \$6.38M is Ontario's proposed portion of the Ramp Up of the \$14.8M for 19/20.

DRAFT

Community Well-Being and Jurisdiction Initiatives – Draft for Consultation

Annex B

The following three options to allocate funding for the Community Well-Being and Jurisdiction Initiatives across regions were presented to the Consultation Committee on May 10, 2018:

- Option A provides an equal base amount for each region, plus an amount determined by an equally weighted formula for each of the following variables: low income measure, lone parenthood, dwellings in need of major repair and unemployment.
- Option B provides funding to regions based on the number of households on reserve, plus an amount determined by an equally weighted formula for each of the following variables: low income measure, lone parenthood, dwellings in need of major repair and unemployment.
- Option C provides proportionate funding to regions based on the combination of the Community Well-Being and Remoteness Indices.

Table 4: Option A Allocation Calculation*

Region	Base	Low Income	Lone parent	Unemployment	Dwellings	Allocation
NL	\$1,760,000	175	110	435	215	\$2,320,293
PEI	\$1,760,000	100	45	90	60	\$1,915,381
NS	\$1,760,000	2,290	1,065	550	950	\$3,975,688
NB	\$1,760,000	1,785	775	760	1,025	\$3,833,169
QC	\$1,760,000	4,750	2,495	2,385	3,900	\$8,402,209
MB	\$1,760,000	14,515	3,480	3,270	7,465	\$13,908,385
SK	\$1,760,000	12,465	3,735	3,375	6,620	\$13,271,105
AB	\$1,760,000	9,595	3,205	3,320	5,820	\$11,749,319
BC	\$1,760,000	13,375	4,850	4,465	6,655	\$15,178,732
YK	\$1,760,000	2,030	1,695	1,385	1,900	\$5,445,720
TOTAL	\$17,600,000	61080	21455	20035	34610	\$80,000,000

*Reported data has been rounded where applicable

Formula: $\text{Base} + (\text{Low Income} / \text{Total Low Income} \times \$15,600,000) + (\text{Lone Parent} / \text{Total Low Parent} \times \$15,600,000) + (\text{Unemployment} / \text{Total Unemployment} \times \$15,600,000) + (\text{Dwellings} / \text{Total Dwellings} \times \$15,600,000)$

Table 5: Option B Allocation Calculation*

Region	Number of Households	Low Income	Lone parent	Unemployment	Dwellings	Allocation
NL	775	175	110	435	215	\$693,188
PEI	200	100	45	90	60	\$189,677
NS	3,345	2,290	1,065	550	950	\$2,789,282
NB	3,110	1,785	775	760	1,025	\$2,606,465
QC	12,630	4,750	2,495	2,385	3,900	\$8,807,978
MB	15,570	14,515	3,480	3,270	7,465	\$14,818,299
SK	14,010	12,465	3,735	3,375	6,620	\$13,913,513
AB	12,950	9,595	3,205	3,320	5,820	\$12,209,961
BC	32,440	13,375	4,850	4,465	6,655	\$18,981,482
YK	7,607	2,030	1,695	1,385	1,900	\$4,990,154
TOTAL	102637	61080	21455	20035	34610	\$80,000,000

*Reported data has been rounded where applicable

Formula: $(\text{Number of Households} / \text{Total Number of Households} \times \$17,600,000) + (\text{Low Income} / \text{Total Low Income} \times \$15,600,000) + (\text{Lone Parent} / \text{Total Low Parent} \times \$15,600,000) + (\text{Unemployment} / \text{Total Unemployment} \times \$15,600,000) + (\text{Dwellings} / \text{Total Dwellings} \times \$15,600,000)$

Community Well-Being and Jurisdiction Initiatives – Draft for Consultation

Table 6: Option C Allocation Calculation*

Region	CWB Risk Factor	Median RI Score	Allocation
NL	0.32	0.36	\$6,385,056
PEI	0.34	0.34	\$6,413,597
NS	0.36	0.33	\$6,483,734
NB	0.42	0.65	\$10,083,983
QC	0.38	0.52	\$8,469,423
MB	0.53	0.58	\$10,419,208
SK	0.48	0.42	\$8,466,031
AB	0.43	0.41	\$7,865,926
BC	0.38	0.43	\$7,592,059
YK	0.24	0.59	\$7,820,983
TOTAL	3.88	4.63	\$80,000,000

*Reported data has been rounded where applicable

Formula: $(\text{CWB Risk Factor} + \text{Median RI Score}) / \text{Total Score} \times \text{Total Allocation}$

DRAFT

This is **Exhibit " M "** to the Affidavit
of **Anne Scotton** sworn before me at
Thunder Bay on
the 12th day of February, **2020**.



A Commissioner for taking Affidavits

Jennifer Anne Genereux-Gernat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development.
Expires

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468 Queen Street East, Suite 400
Toronto, Ontario M5A 1T7
1-877-517-6527
chiefs-of-ontario.org



Political Office
236 Frontenac Street
Batchewana First Nation,
Ontario P6A 6Z1
705-254-1477

ALL ONTARIO CHIEFS CONFERENCE
June 13-14-15, 2017
Hosted by Lac Seul First Nation

RESOLUTION 29/17

SUBJECT: IMMEDIATE RELIEF PREVENTION FUNDING

MOVER: Chief Brian Perrault, Couchiching First Nation

SECONDER: Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek First Nation

DECISION: CARRIED

WHEREAS:

1. In January 2016, the Canadian Human Rights Tribunal (CHRT) found that federal funding for First Nations child, youth and family services is inadequate and discriminatory. In the decision of *First Nation Child and Family Caring Society v Canada*, 2016 CHRT 2, insufficient prevention funding on-reserve was highlighted as a key gap.
2. The first step in the implementation of that decision is immediate relief. In its Budget 2016, Canada set out its plan for increased prevention funding as part of immediate relief. The Ontario amounts are:

2016-17	\$5.8 million
2017-18	\$9.1 million
2018-19	\$12.4 million
2019-20	\$15.9 million
3. The Chiefs of Ontario (COO) continue to advocate that these amounts for immediate relief are insufficient and based on an inappropriate funding model. These amounts must also include funding for band representatives and child and youth mental health, including long-term child welfare reform, not just immediate relief;
4. As an interim measure, in 2016-17, Indigenous & Northern Affairs Canada (INAC) distributed the funding based on recommendations by the Chiefs Committee on Social to the COO and the Political Confederacy (PC);
5. The 2017-2018 funding allocations will be distributed by INAC to the First Nation communities. This will likely continue in future years;

6. INAC only recognizes 127 First Nation Communities. In fairness, the other six unrecognized First Nation communities which include: Whitewater Lake, Hornepayne First Nation, Koocheching First Nation, MoCreebec, Beaverhouse and Namaygoosisagun, are to be included;
7. First Nations have the right to provide prevention services in their own communities in the manner they determine.

THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:

1. Direct the Chiefs Committee of Social with technical support from the Social Services Coordination Unit provided through the Technical Table on Child and Family Well-Being to fully examine current agency prevention services throughout Ontario, northern remoteness quotient results, population, location of services on and off reserve and to provide a report and funding formula options at a Special Chiefs Assembly on Child Welfare in September 2017.
2. Direct the Chiefs of Ontario Leadership to advocate for funding from INAC to hold a Special Chiefs Assembly on Child Welfare.

Certified Copy of a Resolution dated June 15, 2017



Isadore Day, "Wiindawtegowinini", Ontario Regional Chief

This is **Exhibit " N "** to the Affidavit
of **Anne Scotton** sworn before me at
Thunder Bay on
the 12th day of February, **2020**.

Jennifer Anne Genereux-Gernat

A Commissioner for taking Affidavits

Jennifer Anne Genereux-Gernat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development.
Expires April 24, 2020.



SPECIAL CHIEFS ASSEMBLY
November 20-21-22, 2018
Toronto, Ontario

RESOLUTION 46/18
Page 1 of 2

SUBJECT: RAMP-UP AND COMMUNITY WELL-BEING & JURISDICTION INITIATIVES FUNDING (2018-2019)

MOVER: Chief Arnold Paul, Temagami First Nation

SECONDER: Chief Laurie Carr, Hiawatha First Nation

DECISION: CARRIED
Opposed (2): Abstentions (5): (Recorded: Chief Wilfred King, Kiashke Zaaging Anishinaabek)

WHEREAS:

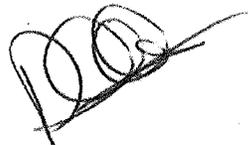
1. In January 2016, the Canadian Human Rights Tribunal found in the decision of *First Nation Child and Family Caring Society v Canada* that the federal funding for First Nations child and family services to be inadequate and discriminatory;
2. In Budget 2016, the federal government set out its initial response to the Tribunal decision by increasing prevention funding via immediate relief prevention funding. As of 2018, a total of \$29.16 million in immediate relief prevention funding has been distributed directly to Ontario First Nations. This includes \$5.8 million for 2016-17, \$9.1 million for 2017-2018, and \$14.2 million for 2018-2019;
3. In Budget 2018, the federal government announced greater supports for the First Nations Child and Family Services Program in order to address the funding pressures for Indigenous Child and Family Service agencies and to increase prevention resources for communities;
4. In Budget 2018, the federal government also announced its continued commitment to working with First Nations and other Indigenous groups to advance reforms to child and family services and to put the well-being of children first;
5. As a result of Budget 2018 and the Chiefs of Ontario advocacy at the Consultation Committee Child Welfare and Indigenous Services Canada, additional prevention services funding has been identified for Ontario First Nations called "Ramp-Up" and "Community Well-being & Jurisdiction Initiative";
6. For 2018-2019, Ontario First Nations are eligible to receive \$19.9 million in "Ramp-Up" and \$17.6 million in "Community Well-being & Jurisdiction Initiative" funding.

7. The Social Services Coordination Unit and the Chiefs Committee on Social have been active in reviewing the "Ramp-Up" & "Community Well-being & Jurisdiction Initiative" funding options and working to determine a distribution method that will support the needs of all Ontario First Nation communities.

THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:

1. Direct Indigenous Services Canada to distribute the 2018-2019 "Ramp-Up" and "Community Well-Being & Jurisdiction Initiative" funding directly to all 133 First Nations in Ontario via **Ontario First Nations Limited Partnership Funding Formula (50% Total Population /40% Base Amount / 10% Remoteness) plus 15% Top-up allocation to Remote and Large Communities (The additional 15% be applied individually to the remote and large communities pre top-up total allocation)** as an interim funding formula without prejudice to other processes.
2. Direct the Chiefs Committee on Social and the Social Services Coordination Unit to work in partnership with Indigenous Services Canada, and the Ministry of Children, Community and Social Services to complete the Ontario Special Study by March 31, 2019 which will see the development of options for a new First Nations Child and Family Services policy and funding framework that is family centered, community directed and supports better outcomes by focusing on prevention.
3. Direct the Chiefs of Ontario to advocate for First Nations Child and Family Services funding that is needs-based and recognizes the needs of all Ontario First Nations such as remoteness, high children populations, capital and infrastructures needs, programs and services accessibility, high-Risk factors and other considerations.

Certified Copy of a Resolution dated November 20-22, 2018



RoseAnne Archibald, Ontario Regional Chief

This is Exhibit " O " to the Affidavit
of Anne Scotton sworn before me at
Thunder Bay on
the 12th day of February, 2020.



A Commissioner for taking Affidavits

Jennifer Anne Genereux-Gernat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development.
Expires April 24, 2020.

SOURCES OF FUNDING TO NAN COMMUNITIES, AGENCIES THAT SERVE NAN COMMUNITIES AND NAN AFFILIATED ORGANIZATIONS

FUNDING TO FNCFS AGENCIES THAT SERVE NAN COMMUNITIES			
Fiscal Year	Province of Ontario* (1965 Agreement)	Remoteness Funding (Budget 2018)	Order 427* (Pursuant to Feb 1, 2018 CHRT Order)
2017-2018	\$75 million	N/A introduced in 2018-2019	Order 411* (Pursuant to Feb 1, 2018 CHRT Order)
2018-2019	\$70.6 million	\$6.61 million	\$49.38 million
2019-2020	\$80.68	\$6.61 million	
Total	\$226.28	\$13.22	\$49.38 million

* In 2017-2018, ISC provided the Government of Ontario \$124.89 million, in 2018-2019, provided \$132.31 million and in 2019-2020, \$138.88 million will be made available to the Government of Ontario through the 1965 Agreement for child and family services. The confirmed reimbursement amount will be determined once the joint audits have been completed.

* Paragraph 427 of the February 1, 2018 CHRT Ruling, ordered ISC to "fund Band Representative Services for Ontario First Nations, Tribal Councils or First Nations Child and Family Services Agencies at the actual cost of providing those services, retroactively to January 26, 2016 by February 15, 2018 or within 15 business days after receipt of the documentation of expenses and until such time as studies have been completed or until a further order of the Panel." Numbers are accurate as of February 7, 2020.

* Paragraph 411 of the February 1, 2018 CHRT Ruling, ordered "Canada to cease its discriminatory funding practice of not fully funding the costs of prevention/least disruptive measures, building repairs, intake and investigations and legal fees. In order to ensure proper data collection and respond to the real needs of First Nations children, the Panel ordered Canada, to provide funding on actual costs for least disruptive measures/prevention, building repairs, intake and investigations and legal fees in child welfare to be reimbursed retroactive to January 26, 2016 within 15 business days after receipt of documentation of expenses." Numbers are accurate as of February 7, 2020.

FUNDING TO NAN COMMUNITIES			
Fiscal Year	Prevention/Immediate Relief (Budget 2016)	Community Well-Being and Jurisdiction Initiatives (Budget 2018)	Order 427* (Pursuant to Feb 1, 2018 CHRT Order)
2017-2018	\$3.22 million	N/A introduced in 2018-2019	
2018-2019	\$12.97 million	\$6.46 million	\$12.83 million
2019-2020	\$7.99 million	\$6.31 million	
Total	\$24.18 million	\$12.77 million	\$12.83 million

* Paragraph 427 of the February 1, 2018 CHRT Ruling, ordered ISC to "fund Band Representative Services for Ontario First Nations, Tribal Councils or First Nations Child and Family Services Agencies at the actual cost of providing those services, retroactively to January 26, 2016 by February 15, 2018 or within 15 business days after receipt of the documentation of expenses and until such time as studies have been completed or until a further order of the Panel." Numbers are accurate as of February 7, 2020.

FUNDING TO FNCFS AGENCIES THAT NAN COMMUNITIES AND AFFILIATED ORGANIZATIONS*

*Tribal Councils, Secondary School Support Organizations and the Sioux Lookout First Nations Health Authority

Fiscal Year	Choose Life*	Jordan's Principle*
2019/2020	\$76.8 million	Individual Requests: \$1.7 million Group Requests: \$34.9 million
Total		Combined approved funding: \$175.6 million

* Numbers are accurate as of January 2020.

This is Exhibit " P " to the Affidavit
of Anne Scotton sworn before me at

Thunder Bay on
the 12th day of February, 2020.



A Commissioner for taking Affidavits

Jennifer Anne Genereux-Gernat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development.
Expires April 24, 2020.

SUBJECT: FEDERAL CHILD WELFARE PREVENTION FUNDING
2019-2020

MOVER: OGIMA DUKE PELTIER, WIKWEMKOONG UNCEDED
TERRITORY

SECONDER: CHIEF ARNOLD PAUL, TEMAGAMI FIRST NATION

DECISION: Carried, 1 abstention: Steve Benoit Proxy, Algonquins of
Pikwakanagan

WHEREAS:

1. In January 2016, the Canadian Human Rights Tribunal found in the decision of *First Nation Child and Family Caring Society v Canada* that the federal funding for First Nations child and family services to be inadequate and discriminatory;
2. In Budget 2016, the federal government set out its initial response to the Tribunal decision by increasing prevention funding via immediate relief prevention funding (also known as Community Based Prevention Funding). The 2016 Budget identified the following four-year allocation for Ontario Region:
 - a) \$5.8 million for 2016-17;
 - b) \$9.1 million for 2017-2018;
 - c) \$12.4 million for 2018-2019; and
 - d) \$15.9 million for 2019-2020 and on-going;
3. In Budget 2018, the federal government announced its continued commitment to working with First Nations and other indigenous groups to advancing reforms child and family services. As well, they announced greater supports for the First Nations Child and Family Services Program in order to address the funding pressures for Indigenous Child and Family Service agencies and to increase prevention resources for communities;
4. For 2018-2019, Ontario First Nations received \$51.79 million in total prevention funding in the following amounts:
 - a) Immediate Relief Prevention Funding – \$12.4 million;
 - b) Ramp-Up – Immediate Relief Funding – \$21.78 million; and
 - c) Community Well-being & Jurisdiction Initiative Funding - \$17.6 million.

5. For 2019-2020, Ontario First Nations are eligible to receive \$39.89 million in prevention funding in the following amounts:
 - a) Immediate Relief Prevention Funding – \$15.9 million;
 - b) Ramp-Up – Immediate Relief Funding – \$6.38 million; and
 - c) Community Well-being & Jurisdiction Initiative Funding - \$17.6 million.

THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:

1. Direct Indigenous Services Canada to distribute the following three pots of prevention funding:
 - a) 2019-2020 Immediate Relief Prevention Funding (in the amount of 15.9 million);
 - b) 2019-2020 Ramp-Up – Immediate Relief Funding (in the amount of \$6.38 million);
 - c) 2019-2020 Community Well-Being & Jurisdiction Initiative Funding (in the amount of \$17.6 million)

directly to all 133 First Nations in Ontario via ***Ontario First Nations Limited Partnership Funding Formula (50% Total Population/ 40% Base Amount/ 10% Remoteness)*** as an interim funding formula without prejudice to other processes.

2. Direct the Chiefs of Ontario to advocate for First Nations Child and Family Services funding that is needs-based and recognizes the needs of all Ontario First Nations such as remoteness, high children populations, capital and infrastructures needs, programs and services accessibility, high-risk factors and other considerations.
3. Direct Chiefs of Ontario to lobby for an additional 15% for remote and larger communities provided this does not impact release of the current Funding

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SPECIAL CHIEFS ASSEMBLY
April 9-11, 2019
Toronto, Ontario

RESOLUTION 12/19
Page 1 of 2

SUBJECT: FEDERAL CHILD WELFARE PREVENTION FUNDING 2019-2020

MOVER: Ogimaa Duke Peltier, Wikwemikong Unceded Indian Reserve

SECONDER: Chief Arnold Paul, Temagami First Nation

DECISION: CARRIED
Abstentions 1: Steve Benoit Proxy, Algonquins of Pikwakanagan First Nation

WHEREAS:

1. In January 2016, the Canadian Human Rights Tribunal found in the decision of *First Nation Child and Family Caring Society v Canada* that the federal funding for First Nations child and family services to be inadequate and discriminatory;
2. In Budget 2016, the federal government set out its initial response to the Tribunal decision by increasing prevention funding via immediate relief prevention funding (also known as Community Based Prevention Funding). The 2016 Budget identified the following four-year allocation for Ontario Region:
 - a) \$5.8 million for 2016-17;
 - b) \$9.1 million for 2017-2018;
 - c) \$12.4 million for 2018-2019; and
 - d) \$15.9 million for 2019-2020 and on-going;
3. In Budget 2018, the federal government announced its continued commitment to working with First Nations and other Indigenous groups to advancing reforms child and family services. As well, they announced greater supports for the First Nations Child and Family Services Program in order to address the funding pressures for Indigenous Child and Family Service agencies and to increase prevention resources for communities;
4. For 2018-2019, Ontario First Nations received \$51.79 million in total prevention funding in the following amounts:

- a) Immediate Relief Prevention Funding – \$12.4 million;
- b) Ramp-Up – Immediate Relief Funding – \$21.78 million; and
- c) Community Well-being & Jurisdiction Initiative Funding - \$17.6 million.

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- a) Immediate Relief Prevention Funding – \$15.9 million;
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 - b) 2019-2020 Ramp-Up – Immediate Relief Funding (in the amount of \$6.38 million);
 - c) 2019-2020 Community Well-Being & Jurisdiction Initiative Funding (in the amount of \$17.6 million)

directly to all 133 First Nations in Ontario via ***Ontario First Nations Limited Partnership Funding Formula (50% Total Population/ 40% Base Amount/ 10% Remoteness)*** as an interim funding formula without prejudice to other processes.

2. Direct the Chiefs of Ontario to advocate for First Nations Child and Family Services funding that is needs-based and recognizes the needs of all Ontario First Nations such as remoteness, high children populations, capital and infrastructures needs, programs and services accessibility, high-risk factors and other considerations.
3. Direct Chiefs of Ontario to lobby for additional 15% for remote and larger communities provided this does not impact release of the current Funding

Copy of a Signed Resolution Dated April 11, 2019.



RoseAnne Archibald, Ontario Regional Chief

This is Exhibit " Q " to the Affidavit
of Anne Scotton sworn before me at
Thunder Bay on
the 12th day of February, 2020.

Jennifer Anne Genereux-Gernat

A Commissioner for taking Affidavits

Jennifer Anne Genereux-Gernat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development,
Expires April 24, 2020.

Scollan, Tina (AADNC/AANDC)

From: Brickey, Salena (AADNC/AANDC)
Sent: May-01-18 11:48 AM
To: Connolly, Lisa (AADNC/AANDC)
Cc: Kabir, Sabrina (AADNC/AANDC)
Subject: Fw: Guide for the reimbursement of retroactive costs
Attachments: GUIDE_NATIONAL_BENEFICIAIRES_REMBOURSEMENT_COUTS_RETROACTIFS.PDF;
NATIONAL RECIPIENT GUIDE FOR RETRO PREVENTION OPERATIONS.PDF; ONTARIO
RECIPIENT GUIDE FOR RETRO PREVENTION AND OPERATIONS COSTS.PDF

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Isaak, Paula (AADNC/AANDC) <[paula.isaak@canada.ca](mailto:Paula.Isaak@canada.ca)>
Sent: Tuesday, May 1, 2018 11:46 AM
To: 'Cindy Blackstock'; 'afiddler@nan.on.ca'; 'Aneve@amnesty.ca'; 'marie-claude.landry@chrc-ccdp.gc.ca';
'suzanne.desjarlais@chrc-ccdp.gc.ca'; 'JonThompson@afn.ca'; 'akosuam@falconers.ca'; 'MWente@oktlaw.com';
'DTaylor@conway.pro'; 'swuttke@afn.ca'; 'Brian.Smith@chrc-ccdp.gc.ca'; 'Elizabeth.Williams@chrc-ccdp.gc.ca'; 'Craig
Benjamin'; 'Deputy Grand Chief Anna Betty Achneepineskum'; 'Duke Peltier'
Cc: Brickey, Salena (AADNC/AANDC); Buist, Margaret (AADNC/AANDC); Gideon, Valerie (HC/SC);
'Robert.Frater@justice.gc.ca'
Subject: Guide for the reimbursement of retroactive costs

Dear partners.

Further to my email on April 9, 2018, I am attaching the final version of the guides which we sent out the week of April 14th.

I look forward to meeting with you on May 10th.

Thank you
Paula

Paula Isaak
Assistant Deputy Minister/Sous-ministre adjoint Education and Social Development Programs and Partnerships
Sector/Secteur des programmes et des partenariats en matière d'éducation et de développement social
10 Wellington St / 10 rue Wellington
Room 2347/ Pièce 2347
Phone: (819) 997-0020
Fax: (819) 953-4094
Paula.Isaak@canada.ca



GUIDE NATIONAL DU BÉNÉFICIAIRE
POUR LE REMBOURSEMENT RÉTROACTIF DES COÛTS
RÉELS DES SERVICES À L'ENFANCE ET À LA FAMILLE
DES PREMIÈRES NATIONS DÉCOULANT DES
ORDONNANCES RENDUES PAR LE TRIBUNAL
CANADIEN DES DROITS DE LA PERSONNE
(26 janvier 2016, 26 avril 2016, 14 septembre 2016 et
le 1^{er} février 2018)

Avis aux lecteurs

Le présent document a pour but d'aider les bénéficiaires à obtenir du financement conformément à la décision du TCDP 2018 TCDP 4 (la Décision) et de fournir des renseignements aux bénéficiaires sur les exigences minimales à respecter lors de la préparation des demandes de remboursement rétroactif des coûts réels admissibles encourus pour la période allant du 26 janvier 2016 au 31 mars 2018.

Tout au long du document, le terme « bénéficiaire » désigne les agences déléguées existantes de services à l'enfance et à la famille des Premières Nations (incluant les conseils de bande des Premières Nations et les conseils tribaux) qui ont une entente de financement avec le ministère des Services aux Autochtones Canada (MSAC) (Anciennement appelé Ministère des Affaires Autochtones et du Nord Canada).

Il y a un processus différent pour les services des représentants des bandes à la région de l'Ontario et pour les agences exigeant une entente de financement avec SAC.

Le présent document ne restreint ni ne lèse de quelque manière que ce soit le droit ou le pouvoir discrétionnaire du ministre, des représentants du ministre, du vérificateur général du Canada ou de toute personne agissant au nom du vérificateur général du Canada, y compris, sans limiter la portée générale de ce qui précède et sous toute réserve, leurs droits ou leur pouvoir discrétionnaire en vertu des ententes de financement de demander aux bénéficiaires ou aux tiers des renseignements ou des documents différents ou qui s'ajouteraient à ceux qui sont précisés dans les présentes et de les obtenir. SAC s'engage d'aviser par écrit les bénéficiaires et les Partis de tous changements effectués dans le Guide et ce, au fur et à mesure.

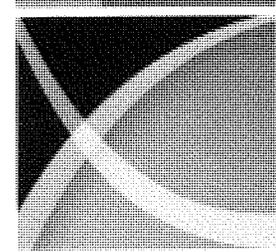
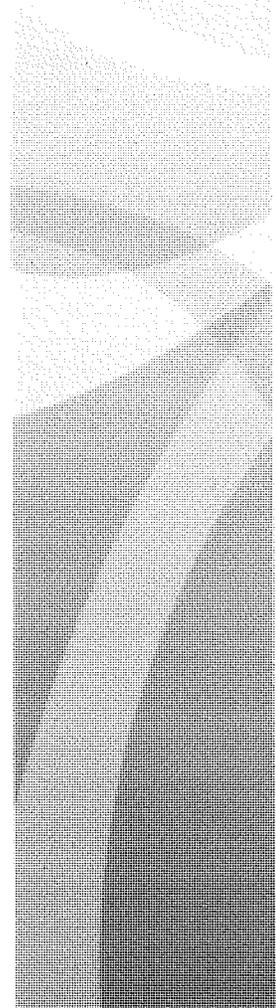


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1. PRÉAMBULE

Le 1^{er} février 2018, le Tribunal canadien des droits de la personne (TCDP) a rendu la décision TCDP 4, datée du 1^{er} février 2018, ordonnant Canada de modifier son approche de financement pour rembourser complètement les coûts réels des bénéficiaires dans de nombreux secteurs, rétroactivement à la décision du Tribunal du 26 janvier 2016 (2016 TCDP 2).

Les paragraphes de la décision du TCDP rendue le 1^{er} février 2018 relativement au remboursement des coûts réels admissibles se trouvent à l'**annexe A du présent document** et la décision peut être accédée à :
<https://fncaringsociety.com/sites/default/files/2018%20CHRT%204.pdf>

2. COÛTS ADMISSIBLES DANS LE CADRE DU PROCESSUS DE « *DEMANDE DE REMBOURSEMENT RÉTROACTIF DES COÛTS RÉELS* » POUR LA PÉRIODE DU 26 JANVIER 2016 AU 31 MARS 2018

La présente section décrit les principes et fournit de l'information sur le remboursement des coûts réels rétroactifs encourus jugés admissibles pour la période du 26 janvier 2016 au 31 mars 2018, suivant la Décision, qui respecte les termes actuels des autorisations du programme des Services à l'enfance et à la famille des Premières Nations et la Politique sur les paiements de transfert du Secrétariat du Conseil du Trésor.

L'**annexe B du présent document** comprend le texte de l'annexe qui figure dans les lettres que le MSAC a fait parvenir aux organismes délégués le 1^{er} février dernier.

2.1. Principes

Les demandes de remboursement rétroactif des coûts réels servent au remboursement de coûts réels qui ne sont pas déjà couverts par un ministère fédéral (notamment SAC) ou tout financement provincial, territorial ou municipal.

Les considérations suivantes devraient être tenues compte pour déterminer le coût :

- le coût réel déterminé par le bénéficiaire comme étant dans l'intérêt supérieur de l'enfant;
- le coût est-il généralement reconnu comme normal et nécessaire à la conduite de l'activité;
- les restrictions et les exigences imposées par de tels facteurs sont des pratiques comptables généralement reconnues, les négociations sans lien de dépendance, les lois et règlements fédéraux, provinciaux et locaux et les modalités des comptables agréés; et
- Afin d'assurer une égalité concrète et une prestation de services adaptés à la culture, les besoins de chaque enfant et sa famille doivent être considérés et évalués, à la lumière de leurs besoins et circonstances distincts incluant leurs besoins et circonstances culturel, historique et géographique, en tenant compte de tous les besoins découlant du désavantage historique et de l'absence de services dans les réserves et / ou les environs.

2.2 Coûts admissibles dans le cadre des « Demandes de remboursement rétroactif des coûts réels » pour tous les bénéficiaires des services à l'enfance et à la famille

Pour la période du 26 janvier 2016 au 31 mars 2018, SAC versera aux bénéficiaires un financement rétroactif pour ce qui suit :

- 1) **Mesures de prévention / les moins perturbatrices** : remboursement en fonction des coûts réels, c'est-à-dire un remboursement intégral tel que déterminé par les bénéficiaires des services à l'enfance et à la famille des Premières Nations *

Exemple de coût : Programmes de formation au rôle de parent; soins de relève; activités culturelles; coûts liés à la dissolution de programmes de prévention qui ne pourraient être maintenus dû à des inégalités de financement (c-à-d . départ, coûts de location, etc.).

Si les salaires de vos travailleurs sociaux en prévention (incluant les avantages sociaux, pensions, congé de maternité) sont sous les normes provinciales ou du Yukon, ou si le budget de votre Agence n'a pas fourni les fonds pour doter des travailleurs mais que les dépenses ont été encourues et financées par une autre source de revenu, la différence des coûts (non payés) est admissible pour remboursement pour satisfaire aux taux comparables. Ceci inclut les coûts encourus pour les dispositions en attente et de surtemps, d'ajustements d'éloignement, pour les travailleurs sociaux et les superviseurs et les autres employés requis pour travailler après les heures de service de travail. *

Les coûts encourus payés par le bénéficiaire pour le recrutement du personnel dans les domaines de prévention peuvent également être remboursés. Par exemple, les coûts de relocalisation pour les nouvelles personnes recrutées ou du personnel transféré.

- 2) **Frais d'admission et d'enquête** : remboursement des services réels dans le cadre desquels l'organisme ou le service examine et enquête un incident signalé portant sur un enfant à risque afin de développer une compréhension des mesures de soutien nécessaires pour l'enfant et la famille *

Exemple de coût : Si les salaires de vos travailleurs sociaux en frais d'admission et d'enquête (incluant les avantages sociaux, pensions, congé de maternité) sont sous les normes provinciales ou du Yukon, ou si le budget de votre Agence n'a pas fourni les fonds pour doter des travailleurs mais que les dépenses ont été encourues et financées par une autre source de revenu, la différence des coûts (non payés) est admissible pour remboursement pour satisfaire aux taux comparables. Ceci inclut les coûts encourus pour les dispositions en attente et de surtemps, d'ajustements d'éloignement, pour les travailleurs sociaux et les superviseurs et les autres employés requis pour travailler après les heures de service de travail.

Les coûts encourus payés par le bénéficiaire pour le recrutement du personnel dans les domaines de frais d'admission et d'enquête peuvent également être remboursés. Par exemple, les coûts de relocalisation pour les nouvelles personnes recrutées ou du personnel transféré.

- 3) **Frais juridiques** : remboursement en fonction des coûts réels relatifs aux enfants pris en charge ou aux opérations de l'agence *

Exemple de coût : Le ministère couvre les frais juridiques associés à un enfant (i.e. ordonnance de supervision, décisions judiciaires associés à un enfant, lorsqu'applicable), étant bien entendu que ce ne sont pas tous les enfants servis par les agences qui sont pris en charge. Quelques exemples inclus des coûts liés à la cour (indemnité de témoins, avocat), frais d'adoption, certificat de naissance, notariation. Le ministère couvre également les frais de services juridiques et les coûts liés au fonctionnement des agences déléguées des SEFPN, incluant les services légaux des activités de l'agence. Ceci pourrait inclure les dépenses telles que les dépenses d'entreprise, de ressources humaines, d'incorporations, et de négociations déléguées.

Note: Les frais juridiques associés aux enfants à charge sont déjà remboursés en fonction des couts réels avec le processus de remboursement d'entretien.

- 4) **Réparations d'immeubles** : remboursement en fonction des coûts réels, notamment les réparations permettant de remettre les immeubles à un niveau respectant les codes du bâtiment, les codes de prévention des incendies et répondent aux normes de santé et sécurité *

Exemple de coût : Réparation et installation des détecteurs de fumée, rampes pour chaise roulante, moisissure ou dépollution de l'amiante, systèmes de sécurité et d'équipement, réparations de systèmes de chauffage/refroidissement, trousse de premiers secours, etc.

- 5) **Montant pour l'achat de services à l'enfance** remboursement en fonction des coûts réels lorsque les bénéficiaires ne disposent pas d'un financement suffisant pour l'entretien ou la prévention *

Exemple de coût : Une intervention à court terme pour soutenir un enfant à risque, afin de l'aider à rester dans le foyer familial, intervention de crise pour adresser des désastres naturels ou des risques à l'ensemble de la communauté (c-à-d suicides multiples des jeunes).

* Les coûts additionnels de vérification / tenue de livre pour toutes les catégories de la Section 2.2 seront remboursés rétroactivement.

2.3 Coûts admissibles dans le cadre des « Demandes de remboursement rétroactif des coûts réels » pour les petits organismes

Les petits organismes sont définis comme des organismes qui desservent une population de moins de 800 enfants (âgés de 0 à 18 ans). SAC fournit aux petits organismes une affectation initiale en début d'année et, dans les cas où cette affectation initiale ne suffirait pas à répondre à leurs besoins, SAC remboursera leurs coûts réels admissibles de la même façon que les coûts d'entretien sont actuellement financés par SAC.

2.4 Dépenses d'entretien – non admissibles dans le cadre des « Demandes de remboursement rétroactif des coûts réels »

Comme SAC rembourse les dépenses d'entretien admissibles en fonction des coûts réels depuis 2016, il ne devrait y avoir aucun paiement rétroactif pour ce secteur; les bénéficiaires devraient en effet avoir présenté les renseignements sur leurs dépenses d'entretien tout au long de l'année au moyen de l'ICD n° 455917, conformément aux exigences de l'entente de financement. Cette année et par la suite, veuillez continuer à remplir l'ICD n° 455917 pour les dépenses d'entretien admissibles selon le Guide de l'utilisateur de l'ICD et instructions connexes.

3. PROCESSUS À L'INTENTION DES BÉNÉFICIAIRES PORTANT SUR LA FAÇON DE PRÉPARER UNE « DEMANDE DE REMBOURSEMENT RÉTROACTIF DES COÛTS RÉELS » POUR LES COÛTS ADMISSIBLES

La présente section indique aux bénéficiaires la façon de préparer une *Demande de remboursement rétroactif des coûts réels* pour les coûts admissibles en vue de la présenter à SAC.

3.1 Documentation requise

Les bénéficiaires doivent remplir en entier le *Formulaire Excel de Demande de remboursement rétroactif des coûts réels* fourni par leur bureau régional. L'**annexe C du présent document** fournit une description des champs à remplir dans le formulaire.

REMARQUE IMPORTANTE : Les bénéficiaires ne doivent inscrire sur la *Demande de remboursement rétroactif des coûts réels* que les montants non financés et coûts réels encourus qu'ils présentent aux fins de remboursement. SAC peut demander des pièces justificatives pour ces montants.

3.2 Bloc de signature de la personne qui atteste

Le **Dirigeant principal des finances du bénéficiaire, le directeur général ou une personne occupant un poste équivalent** doit remplir la section « *ATTESTATION* » dans la page couverture du *Formulaire Excel de Demande de remboursement rétroactif des coûts réels* (en prenant soin d'indiquer son titre), la signer et la dater dans l'espace prévu à cette fin.

Les agents régionaux des SAC n'accepteront que les demandes dont la section « *Attestation* » est remplie.

ATTESTATION (effectuée par le Dirigeant principal des finances du bénéficiaire, son directeur général ou une personne occupant un poste équivalent en tant qu'agent autorisé du bénéficiaire pour chaque *Demande de remboursement rétroactif des coûts réels*)

J'atteste ce qui suit :

- a) les coûts décrits dans la présente demande de remboursement sont admissibles aux termes des modalités actuelles des programmes sociaux des services à l'enfance et à la famille (modalités de programmes);
- b) des pratiques comptables généralement reconnues et suivies de façon uniforme ont été utilisées; et
- c) les *Demandes de remboursement rétroactif des coûts réels* servent au remboursement de coûts réels qui ne sont pas déjà couverts par un ministère fédéral (notamment SAC) ou tout financement provincial, territorial ou municipal.

4. **PROCESSUS D'ENVOI DES « DEMANDES DE REMBOURSEMENT RÉTROACTIF DES COÛTS RÉELS »**

4.1 Processus d'envoi des *Demandes de remboursement rétroactif des coûts réels*

Les bénéficiaires sont fortement encouragés à soumettre leur *Formulaire Excel de Demande de remboursement rétroactif des coûts réels* attestée ainsi qu'une copie numérisée du document Excel à leur bureau régional d'ici le **30 septembre 2018**. Si les bénéficiaires ont besoin davantage de temps (incluant jusqu'au 31 mars 2019), Canada va allouer ce temps.

Le *formulaire en blanc Excel de Demande de remboursement rétroactif des coûts réels* est un outil standard qui peut être utilisé.

Les exigences minimales à être soumises par les bénéficiaires à SAC est la Page couverture (premier onglet du *Formulaire de Demande de remboursement rétroactif des coûts réels*).

En ce qui a trait à la préoccupation de documentation, Canada est ouvert à être flexible si les reçus ou factures ne sont pas disponibles, mais requiert une forme de documentation afin de rencontrer les exigences d'imputabilité financière. Dans les cas où il n'y a pas de facture ou reçu, le Ministère va travailler avec le demandant pour une déclaration et/ou fournir d'autres formes de documentation pour procéder au remboursement (par ex. états financiers vérifiés déjà existant, grands livres, confirmation par courriel de fournisseurs).

4.1.1 Vérification de l'intégralité de la demande et documentation à l'appui

Avant que soit traitée une *Demande de remboursement rétroactif des coûts réels*, les agents régionaux du programme des SEFPN veilleront à ce qu'elle soit entièrement remplie.

Les agents régionaux communiqueront avec le bénéficiaire si la documentation est insuffisante. SAC pourrait également demander aux bénéficiaires de soumettre d'autres documents afin de supporter la vérification de l'admissibilité des dépenses (factures, devis, propositions, documents financiers, feuilles de présence, grilles salariales provinciales, etc.).

SAC fera tous les efforts afin d'assurer une réduction de lourdeur administrative afin d'accélérer le remboursement des demandes aux bénéficiaires.

4.1.2 Processus de remboursement aux bénéficiaires

Puisque les bénéficiaires sont régis par une entente de financement actuelle avec SAC, **les agents régionaux leur enverront un *Avis d'acceptation de demande (AAD)*** pour émettre le paiement une fois que la *Demande de remboursement rétroactif des coûts réels* complétés et certifiés aura été transmis et que les exigences énoncées par le présent Guide auront été respectées. Le bénéficiaire n'a pas à signer l'AAD pour que le paiement soit émis. Consulter **l'annexe D de ce document** pour voir l'échéancier du remboursement rétroactif des coûts réels.

En ce qui concerne les catégories de coûts énumérées plus haut : lorsque la *Demande de remboursement rétroactif des coûts réels* des bénéficiaires aura été soumise pour ceux qui doivent se faire rembourser d'autres coûts réels admissibles, SAC pourra effectuer un transfert de fonds électronique.

5. LES ENTENTES DE FINANCEMENT

Les ententes de financement établissent les exigences de prestation du programme et décrivent la nature et le type de coûts liés aux SEFPEN admissibles à un remboursement.

Nonobstant la disposition de l'entente de financement établissant qu'un financement fixe est accordé (c.-à-d. que toute somme dépensée par le bénéficiaire qui dépasse le montant FIXE maximal pour le programme, le service ou la mesure pour l'exercice précisé incombe au bénéficiaire), conformément à la Décision du 1^{er} février 2018, les catégories de coûts rétroactifs admissibles fondés sur des coûts réels réclamés par les bénéficiaires doivent être remboursés par SAC.

6. EXIGENCES EN MATIÈRE DE RAPPORTS FINANCIERS DES BÉNÉFICIAIRES

Les bénéficiaires resteront responsables, avec l'aide de leur comptable ou vérificateur, de produire des rapports au moyen des normes et lignes directrices de CPA Canada. Par exemple, le respect des principes comptables généralement reconnus, le principe de rattachement, en vertu duquel les revenus et les coûts sont correctement mis en correspondance pour créer une piste de vérification claire et pour éviter que les mêmes coûts soient remboursés plus d'une fois.

Comme le mentionne la section 7 « *Exigences en matière de rapports financiers* » du Guide des rapports financiers des SAC, le Ministère n'exigera pas que les dossiers de rapports financiers du bénéficiaire soient révisés pour les exercices 2015-2016 et 2016-2017.

En ce qui concerne les coûts dépensés dans le cadre du budget de 2017-2018, conformément aux exigences énoncées dans l'instrument de collecte de données (ICD) n° 1208367, *Rapport annuel sur les Services à l'enfance et à la famille des Premières Nations*, les bénéficiaires doivent présenter un rapport pour toutes les dépenses de 2017-2018. Les bénéficiaires doivent indiquer clairement, dans la section 2 du budget de l'année en cours 2017-2018, le financement global reçu en 2017-2018, y compris les paiements rétroactifs obtenus en 2017-2018 seulement. Ce rapport ne doit pas comprendre les coûts engagés les années précédentes relativement au remboursement rétroactif. Consulter la section 2 de l'ICD n° 1208367 à **l'annexe E du présent document**.

7. PISTE DE VÉRIFICATION POUR LES COÛTS ADMISSIBLES

Conformément aux dispositions de l'entente de financement, il incombe aux bénéficiaires de tenir des livres de comptes et d'autres registres dans lesquels sont consignés tous les reçus et les déboursés liés aux coûts admissibles. La description sur le *Formulaire Excel de Demande de remboursement rétroactif des coûts réels* doit correspondre à la description des biens et services impliqués.

8. COORDONNÉES

Les bénéficiaires doivent communiquer avec leurs représentants du bureau régional s'ils ont des questions au sujet du processus de demande de remboursement des coûts réels.

ANNEXE A – PARAGRAPHES DE LA DÉCISION DU 1^{ER} FÉVRIER 2018 DU TCDP

Voici les clauses de l'ordonnance du 1^{er} février 2018 du TCDP concernant le remboursement des coûts réels admissibles :

MONTANT POUR L'ACHAT DE SERVICES À L'ENFANCE :

[416] En vertu de l'alinéa 53(2)a) de la LCDP, le Tribunal ordonne au Canada d'élaborer un système de rechange pour le **financement des services d'aide à l'enfance** pour les enfants et les familles des Premières Nations vivant dans les réserves et au Yukon, en fonction des besoins réels et qui fonctionne de la même façon que les pratiques de financement actuelles d'AANC pour le financement des coûts d'aide à l'enfance, c'est-à-dire en remboursant intégralement les coûts réels de ces services, tels que déterminés par les organismes de SEFPN comme étant dans l'intérêt supérieur de l'enfant et en élaborant et en mettant en œuvre la méthodologie, y compris un cadre de responsabilisation en consultation avec l'APN, la Société de soutien, la Commission, le chef de l'exploitation et la NNA (voir l'ordonnance du protocole ci-dessous), d'ici le 2 avril 2018 et en faisant rapport au Tribunal d'ici le 3 mai 2018. [TRADUCTION]

[417] En vertu de l'alinéa 53(2)a) de la LCDP, le Tribunal ordonne au Canada de mettre fin à sa pratique de financement discriminatoire consistant à ne pas financer entièrement le **montant pour l'achat de services aux enfants**. Afin d'assurer une collecte de données adéquate et de répondre aux besoins réels des enfants et des familles des Premières Nations, le Tribunal ordonne au Canada de financer les coûts réels du montant d'achat des services d'aide sociale à l'enfance, qui seront remboursés rétroactivement au 26 janvier 2016 au plus tard le 2 avril 2018. La présente ordonnance complète celle plus haut. [TRADUCTION]

PETITS ORGANISMES :

[420] Conformément à l'alinéa 53(2)a) de la LCDP, le Tribunal ordonne au Canada, dans l'attente d'une réforme à long terme de ses formules et modèles de financement du programme national des SEFPN, d'en éliminer cet aspect, lequel crée un incitatif qui entraîne le retrait inutile d'enfants des Premières Nations de leur famille ou de leur collectivité. À cet effet et en vertu de l'alinéa 53(2)a) de la LCDP, le Tribunal ordonne au Canada d'élaborer un système de rechange pour le **financement des petits organismes des Premières Nations en fonction des besoins réels et qui fonctionne de la même façon que les pratiques de financement actuelles d'AANC pour le financement des coûts d'aide à l'enfance**, c'est-à-dire en remboursant intégralement les coûts réels de ces services, tels que déterminés par les organismes des SEFPN comme étant dans l'intérêt supérieur de l'enfant et en élaborant et en mettant en œuvre la méthodologie, y compris un cadre de responsabilisation en consultation avec l'APN, la Société de soutien, la Commission, le chef de l'exploitation et la NNA (voir l'ordonnance du protocole ci-dessous), d'ici le 2 avril 2018 et en faisant rapport au Tribunal d'ici le 3 mai 2018. [TRADUCTION]

[421] En vertu de l'alinéa 53(2)a) de la LCDP, le Tribunal ordonne au Canada de mettre fin à sa pratique de financement discriminatoire consistant à ne pas financer entièrement les coûts des petits organismes des Premières Nations. Afin d'assurer une collecte de données adéquate et de répondre aux besoins réels des enfants des Premières Nations, le Tribunal ordonne au Canada de financer les coûts réels des petits organismes des Premières Nations, qui seront remboursés rétroactivement au 26 janvier 2016 au plus tard le 2 avril 2018. La présente ordonnance complète celle plus haut. [TRADUCTION]

MESURES DE PRÉVENTION ET MESURES LES MOINS PERTURBATRICES, RÉPARATIONS DES IMMEUBLES, PRISE EN CHARGE ET ENQUÊTES, FRAIS JURIDIQUES :

[410] Conformément à l'alinéa 53(2)a) de la LCDP, le Tribunal ordonne au Canada, dans l'attente d'une réforme à long terme de ses formules et modèles de financement du programme national des SEFPN, d'en éliminer cet aspect, lequel crée un incitatif qui entraîne le retrait inutile d'enfants des Premières Nations de leur famille ou de leur collectivité. À cet effet et en vertu de l'alinéa 53(2)a) de la LCDP, le Tribunal ordonne à AANC d'élaborer un système de rechange pour le **financement de mesures de préventions et de mesures les moins perturbatrices, de la prise en charge et des enquêtes, des frais juridiques et des services de réparation des immeubles pour les enfants et les familles des Premières Nations vivant dans les réserves et au Yukon, en fonction des besoins réels et qui fonctionne de la même façon que les pratiques de financement actuelles d'AANC pour le financement des coûts d'aide à l'enfance**, c'est-à-dire en remboursant intégralement les coûts réels de ces services, tels que déterminés par les organismes des SEFPN comme étant dans l'intérêt supérieur de l'enfant et en élaborant et en mettant en œuvre la méthodologie, y compris un cadre de responsabilisation en consultation avec l'APN, la Société de soutien, la Commission, le chef de l'exploitation et la NNA (voir l'ordonnance du protocole ci-dessous), d'ici le 2 avril 2018 et en faisant rapport au Tribunal d'ici le 3 mai 2018. [TRADUCTION]

[411] En vertu de l'alinéa 53(2)a) de la LCDP, le Tribunal ordonne au Canada de mettre fin à sa pratique de financement discriminatoire consistant à ne pas financer entièrement les **mesures de prévention et les mesures les moins perturbatrices, les réparations des immeubles, la prise en charge et les enquêtes et les frais juridiques**. Afin d'assurer une collecte de données adéquate et de répondre aux besoins réels des enfants et des familles des Premières Nations, le Tribunal ordonne au Canada de financer les coûts réels des mesures les moins perturbatrices, les mesures de prévention, les réparations des immeubles, la prise en charge et les enquêtes et les frais juridiques des services d'aide sociale à l'enfance, qui seront remboursés rétroactivement au 26 janvier 2016 au plus tard le 2 avril 2018. La présente ordonnance complète celle plus haut. [TRADUCTION]

ANNEXE B - Lettres du 1^{er} février 2018 aux organismes

Secteurs de coûts réels pour les dépenses des organismes de Services à l'enfance et à la famille des Premières Nations

Pour chacun de ces secteurs, vous devrez assurer un suivi de toutes vos dépenses. Si votre budget actuel n'est pas suffisant pour couvrir les coûts réels, le Ministère vous remboursera en fonction du coût réel. La présente liste sera révisée à mesure que nous travaillerons ensemble pour mettre en œuvre cette nouvelle approche.

Les exemples de dépenses, et les voies de financement qui les financent sont les suivantes :

Frais juridiques

- Les frais de services juridiques liés au fonctionnement d'un organisme délégataire de Services à l'enfance et à la famille des Premières Nations (SEFPN) seront remboursés au coût réel (Fonctionnement);
- Les frais juridiques liés à un enfant non pris en charge par d'autres ministères ou organismes provinciaux/territoriaux ou d'autres ministères fédéraux seront remboursés au coût réel (Entretien).

Réparations des immeubles

- Le Ministère couvrira les coûts réels de rénovation d'immeubles ou de projets de réparation pour veiller à ce que les installations soient conformes aux codes et règlements applicables de prévention des incendies, de sécurité et de construction.

Réception des demandes/enquêtes

- Le salaire du personnel, la formation, les avantages sociaux et les frais de déplacement seront remboursés selon les coûts réels de fonctionnement.

Mesures de prévention et mesures les moins perturbatrices

- Le salaire du personnel, les frais de déplacement, les avantages sociaux, le perfectionnement professionnel et la formation du personnel;
- Les activités de prévention et les mesures les moins perturbatrices seront remboursées en fonction des coûts réels (Prévention). Les activités et les programmes de prévention et/ou les mesures les moins perturbatrices visent à garder les familles unies et à maintenir les enfants dans leur foyer (tel qu'indiqué dans l'évaluation de la réception des demandes, le plan de service familial, le plan familial de soin/plan d'intervention, le plan de service de l'enfant, le plan d'intervention, le plan de soins, une entente de renforcement familial ou un document similaire) et comprennent, sans toutefois en exclure d'autres :
 - programmes d'éducation au rôle de parent/tuteur;
 - services de répit
 - services d'aide familiale et d'aide aux parents/tuteurs;
 - services de mentorat pour les enfants et les parents;
 - économie domestique (p. ex. établissement d'un budget, connaissances financières, planification de menus, diriger les familles vers les services appropriés, appuyer les parents/tuteur dans leur recherche d'emploi);
 - activités culturelles, récréatives et autres pour les enfants qui vivent encore à la maison;
 - transport et hébergement/repas (au besoin) pour les enfants pour obtenir des services non médicaux et médicaux ou se rendre à des rendez-vous;
 - transport et hébergement/repas (au besoin) pour les parents/tuteurs pour obtenir des services non médicaux (p.ex. des classes sur le rôle de parent) et médicaux ou se rendre à des rendez-vous comme qu'indiqué;
 - achat d'articles pour répondre à des besoins fondamentaux (p. ex. lit de bébé, réfrigérateur, cuisinière, appareil de climatisation) destinés à assurer le maintien des enfants dans le foyer;
 - services d'orientation non médicaux.

ANNEXE C- FORMULAIRE EXCEL DE REMBOURSEMENT RÉTROACTIF DES COÛTS RÉELS

(CHAMPS DESCRIPTIFS ET GABARIT DU FORMULAIRE EXCEL DE DEMANDE DE REMBOURSEMENT)

Section n° 1 – Champs descriptifs de la page couverture principale

Les renseignements suivants doivent être fournis dans cette section :

Élément	Description
Exercice financier	Exercice financier : : du 26 janvier 2016 au 31 mars 2016 (2015-2016) : 2016-2017 : 2017-2018
Province/Territoire	La province ou le territoire du bénéficiaire
Nom du bénéficiaire et numéro du bénéficiaire du financement	Le nom du bénéficiaire et le numéro du bénéficiaire du financement.
Section 2 : Mesures de prévention et mesures les moins perturbatrices fondées sur les coûts réels (Prévention)	Demande de remboursement des dépenses totales pour la section. Cette section est remplie automatiquement selon le total des dépenses de la section.
Section 3A : Réception des demandes et enquêtes fondées sur les coûts réels (Fonctionnement) – Salaires	Demande de remboursement des dépenses totales pour la section. Cette section est remplie automatiquement selon le total des dépenses de la section.
Section 3B : Réception des demandes et enquêtes fondées sur les coûts réels (Fonctionnement) - Autres dépenses non saisies en fonction des salaires	Demande de remboursement des dépenses totales pour la section. Cette section est remplie automatiquement selon le total des dépenses de la section.
Section 4 : Frais juridiques fondés sur les services réels (Fonctionnement ou Prévention)	Demande de remboursement des dépenses totales pour la section. Cette section est remplie automatiquement selon le total des dépenses de la section.
Section 5 : Réparations des immeubles fondées sur les coûts réels (Fonctionnement) en matière de santé et de sécurité	Demande de remboursement des dépenses totales pour la section. Cette section est remplie automatiquement selon le total des dépenses de la section.
Section 6 : Montant alloué par enfant pour l'achat de services fondé sur les coûts réels	Demande de remboursement des dépenses totales pour la section. Cette section est remplie automatiquement selon le total des dépenses de la section.
Section 7 : Petits organismes fondés sur les coûts	Demande de remboursement des dépenses totales pour la section. Cette section est remplie automatiquement selon le total des dépenses de la section.
Total par exercice financier et Total global	Total par exercice financier ainsi que le total global de la demande de remboursement des dépenses. Cette section est remplie automatiquement selon le total global des dépenses de toutes les sections.
Déclaration	La section de déclaration est définie par MSAC et attestation par le bénéficiaire (agent autorisé : Dirigeant principal des finances ou Directeur exécutif ou Équivalent)
Prénom	Prénom, nom de famille et titre de la personne qui a reconnu l'exactitude de l'information, et la date à laquelle il a été rempli. Les dates sont dans le format suivant AAAA-MM-JJ. Un numéro de téléphone valide comporte l'indicatif régional à trois chiffres, et son format est xxx-xxx-xxxx. Une adresse de courriel valide peut être en majuscules ou minuscules selon le format : test@test.ca
Nom	
Titre	
Numéro de téléphone	
Adresse de courriel	
Date	

Section n° 1 – Page couverture principale du Formulaire Excel de *Demande de remboursement rétroactif des coûts réels*



Services aux Autochtones Canada
Indigenous Services Canada

non-classifié (lorsque complété)
(2017-2018)

DEMANDE DE REMBOURSEMENT RÉTROACTIF DES COÛTS RÉELS ADMISSIBLES
Programme des Services à l'enfance et à la famille des Premières Nations (SEFPN)

Énoncé de la Loi sur la protection des renseignements personnels

Les renseignements personnels que vous fournissez au gouvernement du Canada sont régis conformément à la Loi sur la protection des renseignements personnels. Nous recueillons uniquement les informations nécessaires afin d'évaluer les demandes de remboursement. La collecte d'informations est autorisée par le ministère des Services aux Autochtones Canada à cette fin. Ces informations sont nécessaires afin de traiter les paiements admissibles de remboursement et à des fins de vérification. En vertu de la Loi sur la protection des renseignements personnels et la Loi sur l'accès à l'information, toute personne a droit à la protection de ses renseignements personnels, à l'accès de ces renseignements et à la rectification de ses renseignements personnels. Les détails sur ces questions sont disponibles sur le site Web InfoSource

Province ou Territoire	Exercice financier 2017-2018
Nom de l'organisme	
Nom du bénéficiaire (selon l'entente de financement)	Numéro du bénéficiaire

Sommaire financier: Demande de remboursement rétroactif des	EF 15-16	EF 16-17	EF 17-18	Total
Section 2: Prévention / Mesures les moins perturbatrices selon les coûts réels (Prévention)	\$0.00	\$0.00	\$0.00	\$0.00
Section 3A: Accueil et enquêtes basés sur les coûts réels (fonctionnement) - Salaires	\$0.00	\$0.00	\$0.00	\$0.00
Section 3B: Accueil et enquêtes basés sur les coûts réels - Fonctionnement	\$0.00	\$0.00	\$0.00	\$0.00
Section 4: Frais juridiques basés sur les coûts réels (fonctionnement ou prévention)	\$0.00	\$0.00	\$0.00	\$0.00
Section 5: Réparations de bâtiments basés sur les coûts réels (fonctionnement) santé et sécurité	\$0.00	\$0.00	\$0.00	\$0.00
Section 6: Montant pour l'achat de services à l'enfance basé coûts réels	\$0.00	\$0.00	\$0.00	\$0.00
Section 7: Petits organismes basé sur les coûts réels	\$0.00	\$0.00	\$0.00	\$0.00
GRAND TOTAL	\$0.00	\$0.00	\$0.00	\$0.00

Certification par le représentant autorisé du bénéficiaire (Dirigeant principal des finances ou Directeur exécutif ou l'équivalent) pour chaque demande de remboursement rétroactif des coûts

Je certifie que :

- a) Les coûts décrits dans la présente demande de remboursement sont admissibles selon les autorités de programmes (modalités) des programmes sociaux des Services à l'enfance et à la famille;
- b) Des pratiques comptables généralement acceptées et régulièrement suivies ont été utilisées; et
- c) Le remboursement des *Demandes de remboursement rétroactif des coûts réels* sert à épouger des coûts réels qui ne sont pas couverts par le financement actuel du bénéficiaire ou par d'autres fonds gouvernementaux.

Prénom	Nom de famille
Titre	Numéro de téléphone (###-###-####)
Adresse courriel	Date (Année-Mois-Jour)

Section n° 2 – Mesures de prévention et mesures les moins perturbatrices fondées sur les coûts réels (Prévention) – Champs descriptifs

- Fréquence des demandes de remboursement pour la section : un seul montant pour le total cumulé des trois exercices (du 26 janvier 2016 à mars 2018)
- Les renseignements suivants doivent être fournis dans cette section :

Élément	Description
L'exercice financier d'engagement	L'exercice financier d'engagement de l'activité
Description de l'activité	La description de l'activité
Total des dépenses	Le total des dépenses
Commentaires	Commentaires généraux
Total global des dépenses	Le total global de toutes les dépenses

Section n° 2 – Formulaire Excel de *Demande de remboursement rétroactif des coûts réels* des mesures de prévention et des mesures les moins perturbatrices fondés sur les coûts réels (Prévention)



Services aux Autochtones Canada / Indigenous Services Canada

non-classifié (lorsque complété)
(2017-2018)

Grand total des dépenses EF 15-16	\$0.00
Grand total des dépenses EF 16-17	\$0.00
Grand total des dépenses EF 17-18	\$0.00

Demande de remboursement rétroactif des coûts réels admissibles SEFPN

GRAND TOTAL	\$0.00	Section 2: Prévention / Mesures les moins perturbatrices selon les coûts réels (Prévention)
-------------	--------	---

Exercice financier encouru	Description de l'activité	Total de la dépense	Commentaire

Section n° 3 – Frais d’admission et d’enquête fondés sur les coûts réels (Fonctionnement) – Champs descriptifs

- Fréquence des demandes de remboursement pour la section : un seul montant pour le total cumulé des trois exercices (du 26 janvier 2016 à mars 2018)
- Les renseignements suivants doivent être fournis dans cette section :

Salaires

Élément	Description
L'exercice d'engagement	L'exercice d'engagement de l'activité
Titre du poste	Le titre du poste
Type de poste	La liste des types de postes qui comprend : • temps plein • temps partiel • occasionnel
Salaire	Le total des salaires engagé pour l'exercice
Total des dépenses	Le total des dépenses
Commentaire	Commentaires généraux
Total global des dépenses	Le total global de toutes les dépenses

Section n° 3A – Formulaire Excel de *Demande de remboursement rétroactif des coûts réels* des salaires pour les frais d’admission et d’enquête fondés sur les coûts réels (Fonctionnement)

	Services aux Autochtones Canada	Indigenous Services Canada	
Grand total des salaires EF 15-16		\$0.00	
Grand total des salaires EF 16-17		\$0.00	
Grand total des salaires EF 17-18		\$0.00	
GRAND TOTAL		\$0.00	

non-classifié (lorsque complété)
(2017-2018)

Demande de remboursement rétroactif des coûts réels admissibles SEFPN

Section 3A: Frais d'admission et d'enquête basés sur les coûts réels (fonctionnement) - Salaires

Exercice financier encouru	Titre du poste	Type d'emploi	Salaire	Commentaires

**Section n° 3 – Frais d’admission et d’enquête fondés sur les coûts réels (Fonctionnement) –
Champs descriptifs**

Autres dépenses non saisies en fonction des salaires

Élément	Description
L’exercice d’engagement	L’exercice d’engagement de l’activité
Description	La description de la dépense
Total des dépenses	Le total des dépenses
Commentaire	Commentaires généraux

**Section n° 3B – Formulaire Excel de *Demande de remboursement rétroactif des coûts réels* des frais
d’admission et d’enquête fondés sur les coûts réels (Fonctionnement) – Autres dépenses non saisies en
fonction des salaires**



Services aux
Autochtones Canada

Indigenous Services
Canada

non-classifié (lorsque complété)
(2017-2018)

Grand total des dépenses EF 15-16	\$0.00
Grand total des dépenses EF 16-17	\$0.00
Grand total des dépenses EF 17-18	\$0.00
GRAND TOTAL	\$0.00

Demande de remboursement rétroactif des coûts réels admissibles SEFPN

Section 3B: Frais d'admission et d'enquête basés sur les coûts réels (fonctionnement)
Autres dépenses non-reflétées basées sur les salaires

Exercice financier encouru	Description	Total de la dépense	Commentaires

Section n° 4 - Frais juridiques fondés sur les coûts réels (Fonctionnement ou Prévention)–Champs descriptifs

- Fréquence des demandes de remboursement pour la section : un seul montant pour le total cumulé des trois exercices (du 26 janvier 2016 à mars 2018)
- Veuillez noter : Frais juridiques – Enfant non pris en charge comprend les frais juridiques pour un enfant qui n'est pas pris en charge, lorsque l'enfant est placé sous protection et qu'un dossier de cas est ouvert pour cet enfant particulier.
- Les renseignements suivants doivent être fournis dans cette section :

Élément	Description
L'exercice d'engagement	L'exercice d'engagement de l'activité
Type de frais juridiques	La liste des types de frais juridiques qui comprend : <ul style="list-style-type: none"> • Les frais juridiques de l'organisme; • Les frais juridiques– Enfant non pris en charge.
Description	Brève description des frais juridiques
Total des dépenses	Le total des dépenses
Commentaire	Commentaires généraux
Total global des dépenses	Le total global de toutes les dépenses

Section n° 4 – Formulaire Excel de *Demande de remboursement des coûts réels* des frais juridiques fondés sur les coûts réels (Fonctionnement)

		non-classifié (lorsque complété) (2017-2018)	
Grand total des dépenses EF 15-16	\$0.00		
Grand total des dépenses EF 16-17	\$0.00		
Grand total des dépenses EF 17-18	\$0.00	Demande de remboursement rétroactif des coûts réels admissibles SEFPN	
GRAND TOTAL	\$0.00	Section 4: Frais juridiques basés sur les coûts réels (fonctionnement et prévention) - Fonctionnement : Frais juridiques du fonctionnement de l'Agence liés à la protection de l'enfance - Prévention : Frais juridiques pour les cas de protection à l'enfance, lorsque l'enfant est encore à la maison	
Exercice financier encouru	Description	Total de la dépense	Commentaires

Section n° 5 - Réparations des immeubles fondées sur les coûts réels (Fonctionnement) en matière de santé et de sécurité – Champs descriptifs

- Fréquence des demandes de remboursement pour la section : un seul montant pour le total cumulé des trois exercices (du 26 janvier 2016 à mars 2018)
- Les renseignements suivants doivent être fournis dans cette section :

Élément	Description
L'exercice d'engagement	L'exercice d'engagement de l'activité
Description	Brève description de la réparation de l'immeuble
Total des dépenses	Le total des dépenses
Commentaires	Commentaires généraux
Total global des dépenses	Le total global de toutes les dépenses

Section n° 5 – Formulaire Excel de Demande de remboursement des coûts réels des réparations des immeubles fondées sur les besoins réels (Fonctionnement) en matière de santé et de sécurité



Services aux Autochtones Canada

Indigenous Services Canada

non-classifié (lorsque complété)
(2017-2018)

Grand total des dépenses EF 15-16	\$0.00
Grand total des dépenses EF 16-17	\$0.00
Grand total des dépenses EF 17-18	\$0.00
GRAND TOTAL	\$0.00

Demande de remboursement rétroactif des coûts réels admissibles SEFPN

Section 5: Réparations d'immeubles basés sur les coûts réels (fonctionnement)
- santé et sécurité

Exercice financier encouru	Description	Total de la dépense	Commentaires

Section n° 6 - Montant alloué par enfant pour l'achat de services fondé sur les coûts réels – Champs descriptifs

- Fréquence des demandes de remboursement pour la section : un seul montant pour le total cumulé des trois exercices (du 26 janvier 2016 à mars 2018)
- Veuillez noter : ceci n'est pas une ventilation des coûts par enfant
- Les renseignements suivants doivent être fournis dans cette section :

Élément	Description
L'exercice d'engagement	L'exercice d'engagement de l'activité
Type	La liste des types de montants alloués pour l'achat de services à l'enfance comprend : <ul style="list-style-type: none"> • Les immobilisations; • Les services.
Description	Brève description du montant des achats de services à l'enfance
Total des dépenses	Le total des dépenses
Commentaires	Commentaires généraux
Total global des dépenses	Le total global de toutes les dépenses

Section n° 6 – Formulaire Excel de *Demande de remboursement rétroactif des coûts réels* pour le montant alloué par enfant pour l'achat de services fondés sur les coûts réels

	Services aux Autochtones Canada	Indigenous Services Canada
Grand total des dépenses EF 15-16		\$0,00
Grand total des dépenses EF 16-17		\$0,00
Grand total des dépenses EF 17-18		\$0,00
GRAND TOTAL		\$0,00

non-classifié (lorsque complété)
(2017-2018)

Demande de remboursement rétroactif des coûts réels admissibles SEFPN

Section 6: Montant pour l'achat de services à l'enfance basé sur les coûts réels

Exercice financier encouru	Type	Description	Total de la dépense	Commentaires

Section n° 7 – Petits organismes, fondés sur les besoins réels – Champs descriptifs

- Fréquence des demandes de remboursement pour la section : un seul montant pour le total cumulé des trois exercices (du 26 janvier 2016 à mars 2018)
- Les renseignements suivants doivent être fournis dans cette section :

Élément	Description
Exercice engagé	L'exercice engagé où se produit l'activité
Description	Brève description du déficit des petits organismes
Total des dépenses	Le total des dépenses
Commentaires	Commentaires généraux
Total global des dépenses	Le total global de toutes les dépenses

Section n° 7 – Formulaire Excel de *Demande de remboursement rétroactif des coûts réels* pour les petits organismes fondés



Services aux Autochtones Canada / Indigenous Services Canada

non-classifié (lorsque complété)
(2017-2018)

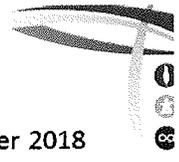
Grand total des dépenses EF 15-16	\$0.00
Grand total des dépenses EF 16-17	\$0.00
Grand total des dépenses EF 17-18	\$0.00
GRAND TOTAL	\$0.00

Demande de remboursement rétroactif des coûts réels admissibles SEFPN

Section 7: Petits organismes basé sur les coûts réels

Exercice financier encouru	Description	Total de la dépense	Commentaires

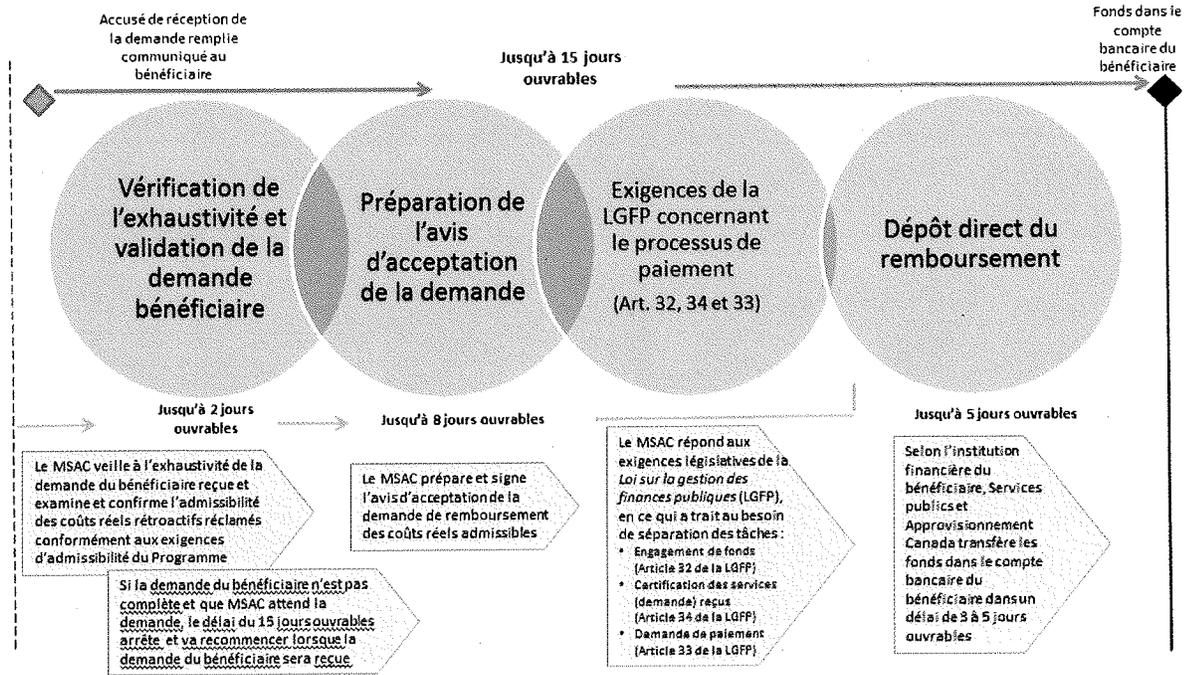
ANNEXE D – DÉLAI DE REMBOURSEMENT RÉTROACTIF DES COÛTS RÉELS



Délai* de remboursement rétroactif des coûts réels réclamés par un bénéficiaire

à la suite des ordonnances du Tribunal canadien des droits de la personne du 1^{er} février 2018

* Ce délai s'applique aux bénéficiaires dans le cadre d'un accord de financement existant conclu avec le MSAC





Section 2 : Sommaire financier

Les bénéficiaires qui reçoivent un financement en vertu de l'approche axée sur la prévention doivent fournir l'information suivante :

- les revenus courants qui sont conformes à l'accord relatif au financement;
- des prévisions budgétaires faisant état des revenus et des dépenses pour la prestation des services à l'enfance et à la famille en lien avec le plan stratégique pour l'année en cours, ainsi que des prévisions pour l'année suivante.

Revenus	2017-18 Budget de l'exercice courant	2018-19 Prévisions budgétaires
AANC		
Administration / fonctionnement		
Entretien / protection		
Prévention / mesures les moins perturbatrices		
Autres sources		
Gouvernement provincial		
Allocation spéciale pour enfants		
Protection pour enfants handicapés / soins aux enfants		
Autres		
Total des revenus		
Dépenses	2017-18 Budget de l'exercice courant	2018-19 Prévisions budgétaires
Services de prestation du programme		
Réception, évaluation et enquête		
Services de protection à l'enfance		
Prévention / mesures les moins perturbatrices		
Soutien pour les services permanents		
Total des coûts de la prestation du programme		
Fonctionnement		
Administration principale		
Administration financière		
Coûts de l'infrastructure		
Gouvernance du conseil		
Total des dépenses de fonctionnement		
Total des dépenses		
Résultats fonctionnels nets		

Documents à l'appui

Titre	Mode de transmission
[E]	
[E]	
[E]	
[+] Ajouter un document	

Déclaration

Les renseignements fournis sont exacts au meilleur de mes connaissances.

Prénom	Nom de famille
Titre	Date (AAAAMMJJ)



Indigenous Services
Canada

Services aux Autochtones
Canada

NATIONAL RECIPIENT GUIDE
FOR REIMBURSEMENT OF RETROACTIVE
FIRST NATIONS CHILD AND FAMILY SERVICES
(FNCFS) ACTUAL COSTS RESULTING
FROM THE
CANADIAN HUMAN RIGHTS TRIBUNAL ORDERS
(January 26, 2016, April 26, 2016, September 14, 2016 and
February 1, 2018)

Note to Readers

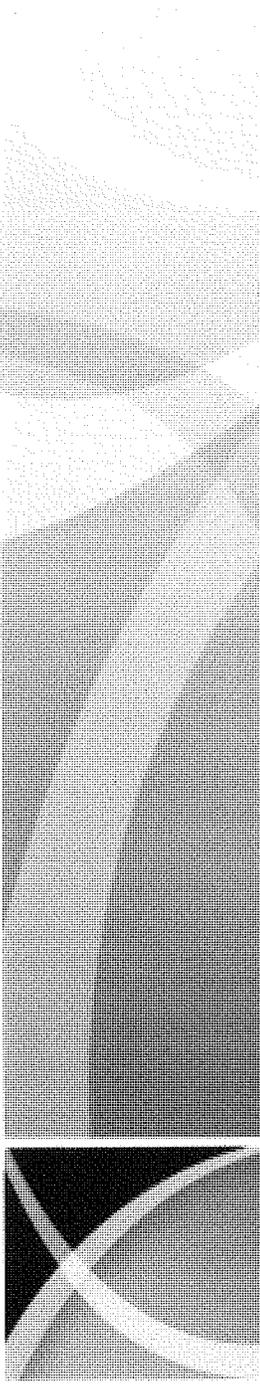
The purpose of this document is to support Recipients in accessing funding as per the Canadian Human Rights Tribunal (CHRT) decision *2018 CHRT 4* (the Decision), and to provide Recipients with information on the standard requirements to be met when preparing claims for retroactive reimbursement of incurred eligible actual costs, covering the period of January 26, 2016 to March 31, 2018.

Throughout the document, the term **Recipient** refers to existing **Delegated FNCFS Agencies** (including Tribal Councils and First Nation Bands) having an existing funding agreement with the Department of Indigenous Services Canada (ISC) (formerly known as Indigenous and Northern Affairs Canada (INAC)).

There is a different process for Band Representative Services in Ontario Region and for Agencies requiring a funding agreement with ISC.

This document does not limit or prejudice in any manner any right or discretion of the Minister, the Minister's representatives, the Auditor General of Canada, or anyone acting on behalf of the Auditor General of Canada, including, without limitation or prejudice to the generality of the foregoing, any of their rights or discretion under the Funding Agreements to request and obtain from Recipients or third parties information or documents in addition to, or different from, those specified herein. ISC commits to notifying Recipients and the Parties in writing of any changes within the Guide as they may occur.

April 17, 2018



Canada

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1. PREAMBLE

The Canadian Human Rights Tribunal (CHRT) issued the decision 2018 CHRT 4, dated February 1, 2018, ordering Canada to change its funding approach by fully reimbursing Recipients' actual costs in many areas, including retroactively to the Tribunal's January 26, 2016 decision (2016 CHRT 2).

The paragraphs of the February 1st, 2018 CHRT Decision relating to the reimbursement of eligible actual costs can be found in **Annex A of this document** and the full decision can be found at <https://fncaingsociety.com/sites/default/files/2018%20CHRT%204.pdf>

2. ELIGIBLE COSTS FOR THE “RETROACTIVE ACTUAL COSTS CLAIMS” PROCESS FOR THE PERIOD OF JANUARY 26, 2016 TO MARCH 31, 2018

This section outlines the principles and provides information on the reimbursement of retroactive incurred eligible actual costs claims covering the period of January 26, 2016 to March 31, 2018, pursuant to the Decision, that respects the current FNCFS program authorities and the Treasury Board Secretariat Policy on Transfer Payments.

Annex B of this document includes the Annex text included in the letters sent by ISC to Recipients on February 1st, 2018.

2.1 Principles

The reimbursement of the *Retroactive Actual Costs Claims*' requests is to reimburse actual costs not already covered from any federal department (including ISC), or any provincial, territorial, or municipal government funding.

The following considerations shall be taken into account in determining the costs:

- the actual cost determined by the Recipient to be in the best interest of the child;
- whether the cost is generally recognized as normal and necessary for the conduct of the activity;
- the restraints and requirements by such factors as generally accepted accounting principles, arm's length bargaining, federal, provincial and local laws and regulations, and Certified Accountant terms; and
- ensure substantive equality and the provision of culturally appropriate services, the needs of each individual child and his or her family must be considered and evaluated, in light of their distinct needs and circumstances including their cultural, historical and geographical needs and circumstances, for instance by taking into account any needs that stem from historical disadvantage and the lack of on-reserve and/or surrounding services.

2.2 Eligible Costs For All CFS Recipients “Retroactive Actual Costs Claims”

For the period of January 26, 2016 to March 31, 2018, ISC will be providing Recipients with retroactive funding for:

- 1) **Prevention/least disruptive measures** to be reimbursed based on actual costs, i.e. full reimbursement as identified by the FNCFS Recipients *

Example cost : parenting programs; respite care; cultural activities; costs related to the dissolution of prevention programs that could not be sustained due to funding inequities (i.e. severance, lease costs, etc.)

If your social workers’ salaries (including benefits, pensions, maternity leave) for prevention were below the Provincial/Yukon standard, or if your Agency budget did not provide funds to hire workers but incurred expenses funded from another source, the cost difference (unpaid) is eligible for reimbursement to meet comparable rates. This includes provisions for stand-by and overtime, remoteness adjustments, for both social workers, supervisors and other staff required after-hours service responses for costs incurred.

Staff recruitment incurred costs paid by Recipients in the areas of prevention can be reimbursed as well. For example : relocation costs for newly recruited or transferring staff.

- 2) **Intake and investigation** to be reimbursed on actual services where the agency/service reviews and investigates a reported incident of a child at risk in order to develop an understanding of the supports needed for the child and family *

Example cost : if your social workers’ salaries (including benefits, pensions, maternity leave) for intake and investigation were below the Provincial/Yukon standard, or if your Agency budget did not provide funds to hire workers but incurred expenses funded from another source, the cost difference (unpaid) is eligible for reimbursement to meet comparable rates. This includes provisions for stand-by and overtime, remoteness adjustments, for both social workers, supervisors and other staff required after-hours service responses for costs incurred.

Staff recruitment incurred costs paid by Recipients in the areas of intake and investigation can be reimbursed as well. For example relocation costs for newly recruited or transferring staff.

- 3) **Legal fees** to be reimbursed based on actual costs associated with a child protection case, where the child is still in the home (prevention) or agency operations’ costs relating to child welfare (operations) *

Example cost : The Department covers legal costs associated to a child (i.e. supervision orders, court orders associated to a child, where applicable), understanding that not all children agencies serve are in care. Some examples include court-related costs (witness fees, lawyer), adoption fees, birth certificate, notarization. The Department also covers legal services fees and costs related to a delegated FNCFS agencies’ operations, which includes legal services related to agency business. This could include expenses such as corporate expenses, human resources, incorporation, and delegation negotiations.

Note: Legal fees associated with children in care are also being reimbursed by actuals under maintenance reimbursement process.

- 4) **Building repairs** to be reimbursed based on actual costs, including those to bring buildings to a level of compliance with building codes, fire codes, and to meet health and safety standards *

Example cost : fire alarm installations/repairs, wheelchair ramps, mold or asbestos remediation, security systems and equipment, heating/cooling system repairs, first aid kits, etc.

- 5) **Child Service Purchase Amount** to be reimbursed based on actuals where Recipients did not have sufficient funding in maintenance or prevention *

Example cost : a short-term intervention to support a child at risk, to help keep the child in the family home, crisis intervention to address natural disasters or widespread community risks (i.e. multiple youth suicides).

* Additional bookkeeping / audit costs for all cost categories of this Section 2.2 will be retroactively reimbursed.

2.3 Eligible Costs for Small Agencies for “*Retroactive Actual Costs Claims*”:

Small agencies are defined as those serving a child population (0-18) of less than 800. ISC provides Small Agencies with an initial allocation at the beginning of the year and where this initial allocation is not sufficient to meet Small Agencies’ needs, ISC will reimburse Small Agencies’ eligible actual costs similar to how maintenance costs are currently funded by ISC.

2.4 Maintenance Expenditures – Not eligible for “*Retroactive Actual Costs Claims*”:

Since ISC has been reimbursing maintenance eligible expenditures based on actuals since 2016, there should not be a retroactive payment needed in this area Recipients should have submitted maintenance expenditures DCI throughout the year using DCI #455917 in accordance with the Funding Agreement requirements.

Please continue to fill-out the DCI #455917 for eligible maintenance expenditures for this year and going forward as per the DCI User Guide and related instructions.

3. RECIPIENTS’ PROCESS ON HOW TO PREPARE A “RETROACTIVE ACTUAL COSTS CLAIM” FOR REIMBURSEMENT OF ELIGIBLE COSTS

This section provides instructions to Recipients on how to prepare a *Retroactive Actual Costs Claim* for reimbursement of eligible costs to be submitted to ISC.

3.1 Required Documentation

Recipients must fully complete the *Retroactive Actual Costs Claim Excel Form Template* provided by the Regional Office. **Annex C of this document** provides the fields description required under the Form template.

IMPORTANT NOTE: Recipients must report on *Retroactive Actual Cost Claims* only for the unfunded and actual incurred eligible costs amounts requested for reimbursement for which ISC may request supporting documentation.

3.2 Certification Signature Block

The "*CERTIFICATION*" section must be completed (including the title of the person certifying), signed and dated by the **Recipient's Chief Financial Officer, Executive Director or equivalent** in the space provided on Cover Page of the *Retroactive Actual Costs Claim Excel Form*.

ISC Regional Officers will only accept certified claims.

CERTIFICATION (by Authorized Recipient's Chief Financial Officer, Executive Director or equivalent Official for each *Retroactive Actual Costs Claim*)

I certify that:

- a) The costs described in this claim are eligible under the existing Child and Family Services Social Programs Authorities (Terms and Conditions);
- b) Generally accepted and consistently followed accounting practices have been used; and
- c) The reimbursement of the *Retroactive Actual Costs Claims*' requests is to reimburse actual costs not already covered from any federal department (including ISC), or any provincial, territorial, or municipal government funding.

4. THE "*RETROACTIVE ACTUAL COSTS CLAIMS*" SUBMISSION PROCESS FOR REIMBURSEMENT

4.1 *Retroactive Actual Costs Claim* Submission Process

Recipients are strongly encouraged to submit their certified *Retroactive Actual Costs Claim Excel Form* to their Regional Office with the signed scanned copy of their certified *Retroactive Actual Costs Claim Excel Form* for reimbursement of costs by **September 30th, 2018**. Should agencies require more time (including to March 31, 2019), Canada will provide it.

The Excel *Retroactive Actual Costs Form* template is a standard tool that can be used.

Minimum requirements to be submitted by Recipients to ISC is the certified Cover Page (first tab of the *Retroactive Actual Costs Claims Form*) with accompanying information to demonstrate incurred eligible actual costs.

On the issue of documentation, Canada is open to being flexible should receipts or invoices not be available, but requires some form of documentation to meet its financial accountability requirements. Should there not be an invoice or receipt, the Department will work with the requestor to do a declaration and/or provide some other form of documentation (e.g., audited financial statements that already exist, general ledgers, email confirmation from suppliers) to process the claim.

4.1.1 Claims Completeness Check and Supporting Documentation

Before a *Retroactive Actual Costs Claim* request for reimbursement of costs can be processed, FNCFS Regional Officers will ensure the completeness of the Recipient's Claim.

FNCFS Regional Officers will contact the Recipients if documentation is insufficient. ISC may also request Recipients to submit documentation to support and verify the eligibility of the expenses for reimbursement, such as: invoices, quotes, proposals, financial documentation, timesheets, provincial salary grid, etc.

4.1.2 Reimbursement Processing to Recipients

Since Recipients are under an existing funding agreement with ISC, **Regional Officers will send a Notice of Acceptance of Request (NAR) to Recipients** to issue payments once the completed certified *Retroactive Actual Costs Claim* has been received and the requirements under this Guide have been met. No signature by the Recipient will be required on the NAR to issue payment. **See Annex D of this document** for Timelines for the Reimbursement of Retroactive Actual Costs.

ISC will make every effort to ensure that administrative burden is reduced to expedite reimbursement of claims to Recipients.

For all costs categories listed above: once certified Recipients' *Retroactive Actual Costs Claims* requests have been submitted for Recipients in need of additional funding for reimbursement of eligible actual costs, ISC can issue an electronic deposit funds transfer.

5. THE FUNDING AGREEMENTS

Funding Agreements set out the program delivery requirements describing the nature and type of FNCFS costs that are eligible for reimbursement.

Notwithstanding the funding agreement provision where fixed funding is provided (i.e. that any amount that the Recipient spends that is more than the maximum FIXED amount for the program, service or activity for the specified fiscal year is the responsibility of the Recipient), as per the Decision, the eligible costs categories for retroactive costs based on actual cost claims by Recipients must be reimbursed by ISC.

6. RECIPIENT REPORTING REQUIREMENTS

Recipients will continue to be responsible – with the assistance of their accountants / auditors - to report using CPA Canada Standards, Guidelines etc. For example, adherence to GAAP (Generally Accepted Accounting Principle) – Matching Principle - where revenues and costs can be matched appropriately to leave a clear audit trail and ensure that same costs are not reimbursed more than once.

As mentioned within the ISC Reporting Guide "*Financial Reporting Requirements*" Section 7, the department will not be requesting restatement of the Recipient's past submissions of its financial reporting package(s) for fiscal years 2015-2016 and 2016-2017.

For 2017-2018 Budget expended costs, in accordance with the requirements set out in the Data Collection Instrument (DCI) #1208367, *First Nations Child and Family Services Annual Report*, the Recipients must submit a report for all 2017-2018 expenditures. Recipients must clearly identify, in Section 2, 2017-2018 Budget Current Year, the overall funding received in 2017-2018, including retroactive payments incurred in 2017-2018 only. This report should exclude costs incurred in previous years associated with the retroactive reimbursement. **See Annex E of this document** for Section 2 of DCI #1208367.

7. AUDIT TRAIL FOR ELIGIBLE COSTS

In accordance with the provisions of the Funding Agreement, the Recipients' responsibility is to keep and maintain books of accounting and other records in which all receipts and disbursements in relation to the eligible costs are recorded. The description on the *Retroactive Actual Costs Claim Excel Form* request should be consistent with the description of goods/services involved.

8. CONTACT INFORMATION

Recipients can contact their Regional Office representatives for any questions regarding the reimbursement of actual costs claim process.

ANNEX A – FEBRUARY 1ST, 2018 CHRT PARAGRAPHS

The following are the paragraphs of the February 1st, 2018 CHRT Decision relating to the reimbursement of eligible actual costs:

CHILD SERVICE PURCHASE AMOUNT:

[416] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada to develop an alternative system for funding **child service purchase amount services** for First Nations children and families on-reserve and in the Yukon, based on actual needs, which operates on the same basis as INAC's current funding practices for funding child welfare maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by the FNCFC agencies to be in the best interests of the child and develop and implement the methodology including an accountability framework in consultation with AFN, the Caring Society, the Commission, the COO and the NAN (see protocol order below), by **April 2, 2018** and report back to the Panel by **May 3, 2018**.

[417] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada to cease its discriminatory funding practice of not fully funding the costs of **child service purchase amount**. In order to ensure proper data collection and to be responsive to the real needs of First Nations children and families, the Panel orders Canada, to provide funding on actual costs for child service purchase amount in child welfare, to be reimbursed retroactive to January 26, 2016 by **April 2, 2018**. This order complements the order above.

SMALL AGENCIES:

[420] The Panel, pursuant to Section 53 (2) (a) of the CHRA orders Canada, pending long term reform of its National FNCFS Program funding formulas and models, to eliminate that aspect of its funding formulas/models that creates an incentive resulting in the unnecessary apprehension of First Nations children from their families and/or communities. To this effect, and pursuant to Section 53 (2) (a) of the CHRA, the Panel orders Canada to develop an alternative system for funding **small First Nations agencies based on actual needs which operates on the same basis as INAC's current funding practices for funding child welfare maintenance costs**, that is, by fully reimbursing actual costs for these services, as determined by the FNCFC agencies to be in the best interests of the child and develop and implement the methodology including an accountability framework in consultation with AFN, the Caring Society, the Commission, the COO and the NAN (see protocol order below), by **April 2, 2018** and report back to the Panel by **May 3, 2018**.

[421] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada to cease its discriminatory funding practice of not fully funding the small First Nations agencies' costs. In order to ensure proper data collection and to be responsive to the real needs of First Nations children, the Panel orders Canada to provide funding on actual costs small First Nations agencies, to be reimburse retroactive to January 26, 2016 by **April 2, 2018**. This order complements the order above.

PREVENTION/LEAST DISRUPTIVE MEASURES, BUILDING REPAIRS, INTAKE AND INVESTIGATIONS AND LEGAL FEES:

[410] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada, pending long term reform of its National FNCFS Program funding formulas and models, to eliminate that aspect of its funding formulas/models that creates an incentive resulting in the unnecessary apprehension of First Nations children from their families and/or communities. To this effect, and pursuant to Section 53 (2) (a) of the CHRA, the Panel orders INAC to develop an alternative system for funding **prevention/least disruptive measures, intake and investigation, legal fees, and building repairs services** for First Nations children and families on-reserve and in the Yukon, based on actual needs which operates on the same basis as INAC's current funding practices for funding child welfare maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by the FNCFC agencies to be in the best interests of the child and develop and implement the methodology including an accountability framework in consultation with AFN, the Caring Society, the Commission, the COO and the NAN (see protocol order below), by **April 2, 2018** and report back to the Panel by **May 3, 2018**.

[411] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada to cease its discriminatory funding practice of not fully funding the costs of **prevention/least disruptive measures, building repairs, intake and investigations and legal fees**. In order to ensure proper data collection and to be responsive to the real needs of First Nations children, the Panel orders Canada, to provide funding on actual costs for least disruptive measures/prevention, building repairs, intake and investigations and legal fees in child welfare to be reimbursed retroactive to January 26, 2016 by **April 2, 2018**. This order complements the order above.

ANNEX B - FEBRUARY 1ST, 2018 LETTERS TO AGENCIES

Areas of Actuals Cost for First Nations Child and Family Service Agency Expenditures

In each of these areas, you will need to keep track of all of your expenditures. Should your existing budget not be sufficient to cover actual costs, the Department of Indigenous Services Canada (DISC) will reimburse you based on the actual cost. This list will be revised as we work together to implement this new approach.

Example expenditures, and funding streams they are funded over, include:

Legal Costs:

- legal services fees and costs related to a delegated First Nations Child and Family Service (FNCFS) Agency operations will be reimbursed under operations at actual cost;
- legal costs associated to a child not covered by other provincial/territorial departments and organizations or other federal departments will be reimbursed at actual cost under maintenance.

Building Repairs:

- the DISC will cover the actual costs of building renovation or repair projects to ensure facilities comply with applicable fire, safety and building codes and regulations.

Intake/Investigation:

- staff salary, training, benefits and travel will be reimbursed at actual cost under operations.

Prevention/Least Disruptive Measures:

- staff salary, travel, benefits, professional development, and staff training;
- prevention activities and least disruptive measures will be reimbursed under prevention at actual cost. Prevention activities and programming and/or least disruptive measures are designed to keep families and children together, in their own homes (as identified in the intake assessment, family service plan, family care/case plan, child's service plan, case plan, care plan, family enhancement agreement or similar document) and includes but is not limited to:
 - parenting/guardian education programs
 - respite care
 - homemaker and parent/guardian aid services
 - mentoring services for children and parents
 - home management (e.g. budgeting, financial literacy, menu planning, directing families toward appropriate services, supporting parents/guardians in their search for work);
 - cultural, recreational and other activity-related needs for children still living at home;
 - transportation and accommodation/meals (if needed) for children to attend non-medical and medical services or appointments;
 - transportation and accommodation/meals (if needed) for parents/guardians to attend non-medical (e.g. parenting classes) and medical services or appointments as identified;
 - purchase of basic needs items (e.g. a crib, bed, fridge, stove, air conditioner, etc.) meant to ensure that children be kept within the home; and
 - non-medical counselling services.

ANNEX C – EXCEL RECIPIENT RETROACTIVE ACTUAL COSTS CLAIM FORM

DESCRIPTION FIELDS AND EXCEL CLAIM FORM TEMPLATE

Section #1 - The Main Cover Page Description Fields

The following is required for this section:

Item	Description
Fiscal Year	Fiscal year: : from January 26, 2016 to March 31, 2016 : 2016-2017 : 2017-2018
Province / Territory	The Province or Territory of the recipient
Recipient Name and Funding Recipient Number	The recipient name and funding recipient number
Section 2: Prevention / Least Measures based on actual costs (Prevention)	This represents the total expenditure claim for the section. This section is automatically populated based on the expenditure total of the section.
Section 3A: Intake and Investigations based on actual costs (Operations) – Salaries	This represents the total expenditure claim for the section. This section is automatically populated based on the expenditure total of the section.
Section 3B: Intake and Investigations based on actual costs (Operations) - Other expenditures not related to Salaries	This represents the total expenditure claim for the section. This section is automatically populated based on the expenditure total of the section.
Section 4: Legal Fees based on actual costs (Operations or Prevention)	This represents the total expenditure claim for the section. This section is automatically populated based on the expenditure total of the section.
Section 5: Building Repairs based on actual costs (Operations) for health and safety	This represents the total expenditure claim for the section. This section is automatically populated based on the expenditure total of the section.
Section 6: Child Service Purchase Amount based on costs	This represents the total expenditure claim for the section. This section is automatically populated based on the expenditure total of the section.
Section 7: Small Agencies based on costs	This represents the total expenditure claim for the section. This section is automatically populated based on the expenditure total of the section.
Three fiscal years claim amount and Grand Total	This represents the claim amount per fiscal year and a grand total expenditure claim. This section is automatically populated based on the grand expenditure total of all sections.
Certification Statement	The declaration section as defined by ISC by Recipient Authorized Official (Chief Financial Officer or Executive Director or Equivalent).
Given Name	The given name, family name and position title of the person who acknowledged the accuracy of the information, and the date on which it was completed. Dates are in the format of 'YYYY-MM-DD'. A valid telephone includes the 3 digit area code in the format ###-###-####. A valid email address may be in upper or lower case in the format: test@test.ca
Family name	
Title	
Telephone number	
E-mail address	
Date	

Section #1 - Excel Retroactive Actual Costs Claim Form for Main Cover Page:



Services aux
Autochtones Canada

Indigenous Services
Canada

Unclassified (When Completed)
(2017-2018)

**Claims for Reimbursement of Eligible Retroactive Actual Costs
First Nations Child and Family Services Program (FNCFS)**

Privacy Act Statement

The personal information you provide to Government of Canada is governed in accordance with the Privacy Act. We only collect the necessary information we need to assess the request for reimbursement. Collection of information for this purpose is authorized under the Department of Indigenous Services. We require this information to process eligible payments of reimbursements and for audit purposes. In accordance with the Privacy Act and the Access to Information Act, individuals have a right to protection of, access to and correction of their personal information. Details on these matters are available at the InfoSource website at <http://infosource.gc.ca>

Province or Territory **Fiscal Year**

Agency Name

Funding Recipient Name (Agreement) **Funding Recipient Number**

Financial Summary: Claims for Reimbursement of Eligible

	FY 15-16	FY 16-17	FY 17-18	Total
	(From January 26 to March 31, 2016)			

Section 2: Prevention / Least Measures based on actual costs (Prevention)	\$0.00	\$0.00	\$0.00	\$0.00
Section 3A: Intake and Investigations based on actual costs (Operations) - Salaries	\$0.00	\$0.00	\$0.00	\$0.00
Section 3B: Intake and Investigation based on actual costs (Operations) - Other costs	\$0.00	\$0.00	\$0.00	\$0.00
Section 4: Legal Fees based on actual costs (Operations or Prevention)	\$0.00	\$0.00	\$0.00	\$0.00
Section 5: Building Repairs based on actual costs (Operations) for health and safety	\$0.00	\$0.00	\$0.00	\$0.00
Section 6: Child Service Purchase Amount based on costs	\$0.00	\$0.00	\$0.00	\$0.00
Section 7: Small Agencies based on costs	\$0.00	\$0.00	\$0.00	\$0.00
Grand Total	\$0.00	\$0.00	\$0.00	\$0.00

Certification by Recipient's Authorized Official (Chief Financial Officer or Executive Director or equivalent) for each Retroactive Actual Costs Claim

I certify that:

- a) The costs described in this claim are eligible under the existing Child and Family Services Social Programs Authorities (Terms and Conditions);
- b) Generally accepted and consistently followed accounting practices have been used; and
- c) The reimbursement of the Retroactive Actual Costs Claims' requests is to reimburse actual costs not already covered from any federal department (including the Department of Indigenous Services Canada), or any provincial, territorial, or municipal government funding.

Given Name **Family Name**

Title **Telephone Number (###-###-####)**

E-mail address **Date (YYYY-MM-DD)**

Section #2 - Prevention/Least Measures based on actual costs (Prevention)–Description Fields

- Claim frequency for the section: One claim amount for cumulative total of the three fiscal years (from January 26, 2016 to March 2018)
- The following is required for this section:

Item	Description
The fiscal year costs were incurred	The fiscal year of the activity where costs were incurred
Activity Description	The description of the activity
Expenditure Total	The expenditure total
Comment	General comments
Expenditure Grand Total	The grand total of all expenditures

Section #2 - Excel Retroactive Actual Costs Claim Form for Prevention / Least Measures Based on actual costs (Prevention)

Expenditure Grand Total FY 15-16 (January 26, 2016 to March 31, 2016)	\$0.00
Expenditure Grand Total FY 16-17	\$0.00
Expenditure Grand Total FY 17-18	\$0.00
Expenditure Grand Total	\$0.00

Claims for Reimbursement of Eligible Retroactive Actual Costs (FNCFS)

Section 2: Prevention / Least Measures based on actual costs (Prevention)

Incurring Fiscal Year	Activity Description	Expenditure Total	Comment

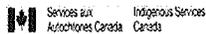
Section #3 - Intake and Investigation based on actual costs (Operations) – Description Fields

- Claim frequency for the section: One claim amount for cumulative total of the three fiscal years (from January 26, 2016 to March 2018)
- The following is required for this section:

Salaries

Item	Description
The fiscal year costs were incurred	The fiscal year of the activity where costs were incurred
Job Title	The title of the job
Job Type	The list of job types which include: • Full Time • Part Time • Casual
Salary	The total salary incurred for the fiscal year
Expenditure Total	The expenditure total
Comment	General comments
Expenditure Grand Total	The grand total of all salaries

Section #3A - Excel Retroactive Actual Salary Costs Claim Form for Intake and Investigation based on actual costs (Operations)



Unclassified (When Completed)
(2017-2018)

Expenditure Grand Total FY 15-16 (January 26, 2016 to March 31, 2016)	\$0.00
Salary Grand Total FY 16-17	\$0.00
Salary Grand Total FY 17-18	\$0.00

Claims for Reimbursement of Eligible Retroactive Actual Costs (FNCFs)

Section 3A: Intake and Investigation based on actual costs (Operations)
Salaries

Expenditure Grand Total	\$0.00
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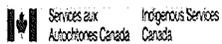
Incurred Fiscal Year	Job Title	Job Type	Salary	Comment

Section #3 - Intake and Investigations based on actual costs (Operations) – Description Fields (cont'd)

Other expenditures not captured based on salaries

Item	Description
The fiscal year costs were incurred	The fiscal year of the activity where costs were incurred
Description	The description of the expenditure
Expenditure Total	The expenditure total
Comment	General comments

Section #3B - Excel Retroactive Actual Costs Claim Form for Intake and Investigation based on actual costs (Operations) – other expenditures not captured on salaries



Unclassified (When Completed)
(2017-2018)

Expenditure Grand Total FY 15-16 (January 26, 2016 to March 31, 2016)	\$0.00
Expenditure Grand Total FY 16-17	\$0.00
Expenditure Grand Total FY 17-18	\$0.00
Expenditure Grand Total	\$0.00

Claims for Reimbursement of Eligible Retroactive Actual Costs (FNCFS)

Section 3B: Intake and Investigation based on actual costs (Operations)
Other expenditures not captured based on salaries

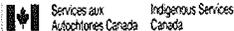
Incurring Fiscal Year	Description	Total Expenditure	Comment

Section #4 - Legal Fees based on actual costs (Operations or Prevention)–Description Fields

- Submission frequency for the section: One claim amount for cumulative total of the three fiscal years (from January 26, 2016 to March 2018)
- Please note: Legal Cost – Child not in Care include legal costs for a child that is not in care, where the child is under protection and a case file is open for that specific child.
- The following is required for this section:

Item	Description
The fiscal year costs were incurred	The fiscal year of the activity where costs were incurred
Legal Cost Type	The list of legal cost types which include: <ul style="list-style-type: none"> • Operations: Agency’s Operations Legal Fees relating to child welfare • Prevention: Legal fees for a child protection case, where the child is still at the home
Description	Brief description of the Legal Cost
Expenditure Total	The expenditure total
Comment	General comment
Expenditure Grand Total	The grand total of all expenditures

Section #4 - Excel Retroactive Actual Costs Claim Form for Legal Fees based on actual costs (Operations or Prevention)

		Unclassified (When Completed) (2017-2018)	
Expenditure Grand Total FY 15-16 (January 26, 2016 to March 31, 2016)	\$0.00		
Expenditure Grand Total FY 16-17	\$0.00		
Expenditure Grand Total FY 17-18	\$0.00	Claims for Reimbursement of Eligible Retroactive Actual Costs (FNCF5)	
Expenditure Grand Total	\$0.00	Section 4: Legal Fees based on actual costs (Operations or Prevention) - Operations : Agency's operations legal fees relating to child welfare - Prevention : legal fees for a child protection case, where the child is still in the home	
Incurring Fiscal Year	Description	Expenditure Total	Comment

**Section #5 - Building Repairs based on actual costs (Operations) for health and safety–
Description Fields**

- Submission frequency for the section: One claim amount for cumulative total of the three fiscal years (from January 26, 2016 to March 2018)
- The following is required for this section:

Item	Description
The fiscal year costs were incurred	The fiscal year of the activity where costs were incurred
Description	Brief description of the Building Repair
Expenditure Total	The expenditure total
Comment	General comment
Expenditure Grand Total	The grand total of all expenditures

Section #5 - Excel Retroactive Actual Costs Claim Form for Building Repairs based on actual costs (Operations) for health and safety

Expenditure Grand Total FY 15-16 (January 26, 2016 to March 31, 2016)	\$0.00
Expenditure Grand Total FY 16-17	\$0.00
Expenditure Grand Total FY 17-18	\$0.00
Expenditure Grand Total	\$0.00

Claims for Reimbursement of Eligible Retroactive Actual Costs (FNCFs)

Section 5: Building Repairs based on actual costs (Operations) for health and safety

Incurring Fiscal Year	Description	Total Expenditure	Comment

Section #6 - Child Service Purchase Amount based on costs – Description Fields

- Submission frequency for the section: One claim amount for cumulative total of the three fiscal years (from January 26, 2016 to March 2018)
- Please note: this is not a breakdown of costs per child
- The following is required for this section:

Item	Description
The fiscal year costs were incurred	The fiscal year of the activity where costs were incurred
Type	The list of Child Service Purchase Amount types include: <ul style="list-style-type: none"> • Capital • Services
Description	Brief description of the Child Service Purchase Amount
Expenditure Total	The expenditure total
Comment	General comment
Expenditure Grand Total	The grand total of all expenditures

Section #6 - Excel Retroactive Actual Costs Claim Form for Child Service Purchase Amount based on costs

Expenditure Grand Total FY 15-16 (January 26, 2016 to March 31, 2016)	\$0.00
Expenditure Grand Total FY 16-17	\$0.00
Expenditure Grand Total FY 17-18	\$0.00
Expenditure Grand Total	\$0.00

Claims for Reimbursement of Eligible Retroactive Actual Costs (FNCFs)

Section 6: Child Service Purchase Amount based on actual costs

Incurred Fiscal Year	Type	Description	Total Expenditure	Comment

Section #7 - Small Agencies based on costs – Description Fields

- Submission frequency for the section: One claim amount for cumulative total of the three fiscal years (from January 26, 2016 to March 2018)
- The following is required for this section:

Item	Description
The fiscal year costs were incurred	The fiscal year of the activity where costs were incurred
Description	Brief description of the small agency deficit
Expenditure Total	The expenditure total
Comment	General comment
Expenditure Grand Total	The grand total of all expenditures

Section #7 - Excel Retroactive Actual Costs Claim Form for Small Agencies based on costs

Expenditure Grand Total FY 15-16 (January 26, 2016 to March 31, 2016)	\$0.00
Expenditure Grand Total FY 16-17	\$0.00
Expenditure Grand Total FY 17-18	\$0.00
Expenditure Grand Total	\$0.00

Claims for Reimbursement of Eligible Retroactive Actual Costs (FNCFs)

Section 7: Small Agencies based on costs

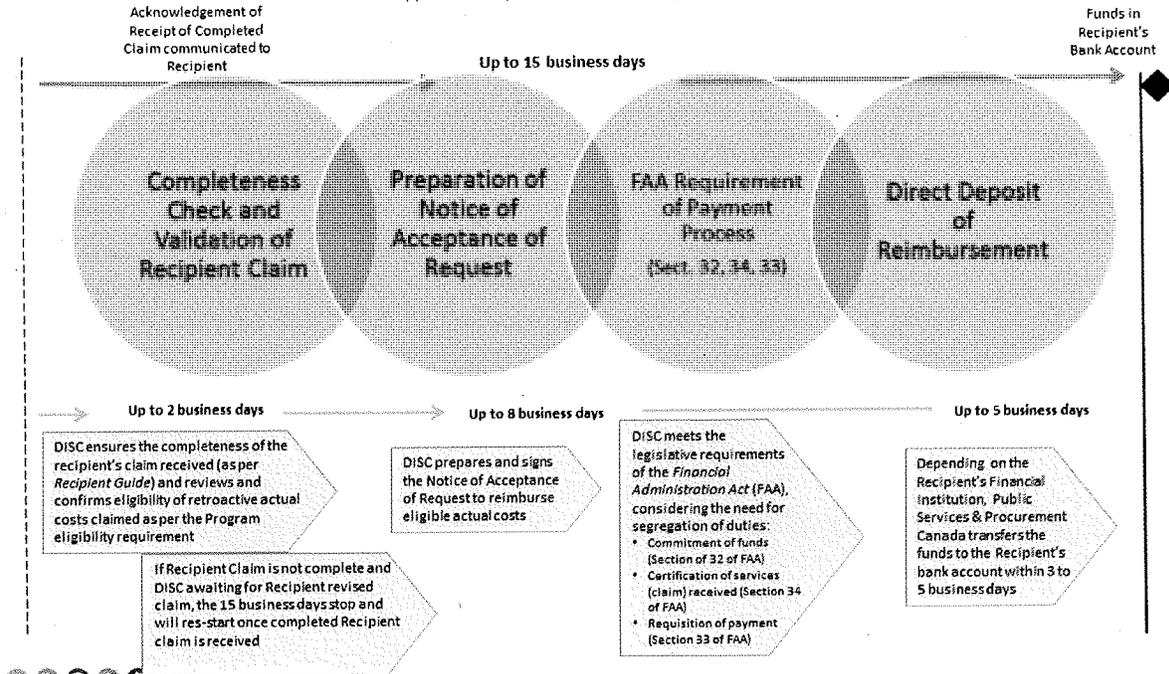
Incurring Fiscal Year	Description	Total Expenditure	Comment

ANNEX D- TIMELINE FOR REIMBURSEMENT OF RETROACTIVE COSTS



Timeline* for Reimbursement of Retroactive Actual Costs Claimed by Recipient Resulting from February 1, 2018 Canadian Human Rights Tribunal Orders

*This timeline applies to Recipients under an existing Funding Agreement with DISC



ANNEX E – SECTION 2 OF DCI #1208367 : FNCFS ANNUAL REPORT



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada

DCI 1208367 (2017-2018)
Page 2 of 2

Section 2: Financial Summary

Recipients funded under the **Prevention Based Approach** are required to provide the following information:

- Current year budget revenues that are in accordance with the funding agreement;
- A budget forecast that outlines revenues and expenditures for the delivery of child and family services in relation to the strategic plan for the current year and projections for the following year.

Revenues	2017-18 Budget Current Year	2018-19 Budget Forecast
INAC		
Administration/Operations		
Maintenance/Protection		
Prevention/Least Disruptive Measures		
Other Sources		
Provincial Government		
Children's Special Allowance		
Child's Disability Benefit/Child Care		
Other		
Total Revenues		
Expenses	2017-18 Budget Current Year	2018-19 Budget Forecast
Program Delivery Services		
Intake, Assessment and Investigation		
Child Protection Services		
Prevention/Least Disruptive Measures		
Supports for Permanency Services		
Total Program Delivery Costs		
Operations		
Core Management		
Financial Administration		
Infrastructure Costs		
Board Governance		
Total Operations		
Total Expenses		
Net Operating Results		

Supporting Documents

Title	Submission Method
[H]	[*]
[H]	[*]
[H]	[*]
[+] Add a Document	

Declaration

The information provided is accurate to the best of my knowledge.

Given Name		Family Name	
Title		Date (YYYYMMDD)	





Indigenous Services
Canada

Services aux Autochtones
Canada

ONTARIO REGION
**RECIPIENT GUIDE FOR REIMBURSEMENT OF
RETROACTIVE FIRST NATIONS CHILD AND FAMILY
SERVICES (FNCFS) PREVENTION AND OPERATIONS
(LEGAL FEES, INTAKE AND INVESTIGATION AND
BUILDING REPAIRS) ACTUAL COSTS
RESULTING FROM THE
CANADIAN HUMAN RIGHTS TRIBUNAL ORDERS
(January 26, 2016, April 26, 2016, September 14, 2016 and
February 1, 2018)**

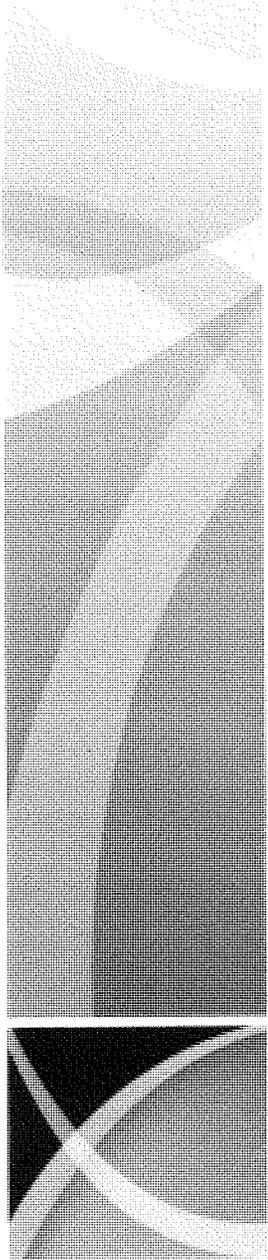
Note to Readers

The purpose of this document is to support Ontario Region FNCFS Designated Agencies in accessing funding as per the Canadian Human Rights Tribunal (CHRT) decision 2018 CHRT 4 (The Decision), and to provide Ontario Region FNCFS Designated Agencies with information on the standard requirements to be met when preparing retroactive claims for reimbursement of incurred eligible actual costs, covering the period of January 26, 2016 to March 31, 2018.

This Guide applies to Ontario Region FNCFS Designated Agencies requiring funding agreement with the Department of Indigenous Services Canada (ISC) (formerly known as Indigenous and Northern Affairs Canada (INAC)).

This document does not limit or prejudice in any manner any right or discretion of the Minister, the Minister's representatives, the Auditor General of Canada, or anyone acting on behalf of the Auditor General of Canada, including, without limitation or prejudice to the generality of the foregoing, any of their rights or discretion under the Funding Agreements to request and obtain from FNCFS Designated Agencies or third parties information or documents in addition to, or different from, those specified herein. ISC commits to notifying Recipients in writing of any changes within the Guide as they may occur.

April 17, 2018



Canada

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1. PREAMBLE

The Canadian Human Rights Tribunal (CHRT) issued the decision 2018 CHRT 4, dated February 1, 2018, ordering Canada to change its funding approach by fully reimbursing FNCFS Designated Agencies' actual costs in many areas, including retroactively to the Tribunal's January 26, 2016 decision (2016 CHRT 2)

The paragraphs of the February 1st, 2018 CHRT Decision relating to the reimbursement of eligible actual costs can be found in **Annex A of this document** and the full Decision can be found at <https://fncaringsociety.com/sites/default/files/2018%20CHRT%204.pdf>.

2. ELIGIBLE COSTS FOR THE “RETROACTIVE ACTUAL COSTS CLAIMS” PROCESS FOR THE PERIOD OF JANUARY 26, 2016 TO MARCH 31, 2018

This section outlines the principles and provides information on the reimbursement of retroactive incurred eligible actual costs claims covering the period of January 26, 2016 to March 31, 2018, pursuant to the Decision, that respects the current FNCFS program authorities, and the Treasury Board Secretariat Policy on Transfer Payments.

Annex B of this document includes the Annex text included in the letters sent by ISC to FNCFS Designated Agencies on February 1st, 2018,

2.1 Principles

The reimbursement of the *Retroactive Actual Costs Claims*' requests is to reimburse actual costs not already covered from any federal department (including ISC), or any provincial, territorial, or municipal government funding.

The following considerations shall be taken into account in determining the costs:

- the actual cost determined by the Ontario Region FNCFS Delegated Agency to be in the best interest of the child;
- whether the cost is generally recognized as normal and necessary for the conduct of the activity;
- the restraints and requirements by such factors as generally accepted accounting principles, arm's length bargaining, federal, provincial and local laws and regulations, and Certified Accountant terms; and
- ensure substantive equality and the provision of culturally appropriate services, the needs of each individual child and his or her family must be considered and evaluated, in the light of their distinct needs and circumstances including their cultural, historical and geographical needs and circumstances, for instance by taking into account any needs that stem from historical disadvantage and the lack of on-reserve and/or surrounding services.

2.2 Eligible Costs For All CFS FNCFS Designated Agencies “Retroactive Actual Costs Claims”

For the period of January 26, 2016 to March 31, 2018, ISC will provide Ontario Region FNCFS Designated Agencies with retroactive funding for:

- 1) **Prevention/least disruptive measures** to be reimbursed based on actual costs, i.e. full reimbursement as identified by the Ontario Region FNCFS Designated Agencies *

Example cost : parenting programs, respite care, cultural activities; costs related to the dissolution of prevention programs that could not be sustained due to funding inequities (i.e. severance, lease costs, etc.)

If your social workers’ salaries (including benefits, pensions, maternity leave) for prevention were below the Provincial standard, or if your Agency budget did not provide funds to hire workers but incurred expenses funded from another source, the cost difference (unpaid) is eligible for reimbursement to meet comparable rates. This includes provisions for stand-by and overtime, remoteness adjustments, for both social workers, supervisors and other staff required after-hours service responses for costs incurred. Staff recruitment incurred costs paid by Recipients in the areas of prevention can be reimbursed as well. For example relocation costs for newly recruited or transferring staff.

- 2) **Intake and investigation** to be reimbursed on actual services where the agency reviews and investigates a reported incident of a child at risk in order to develop an understanding of the supports needed for the child and family *

Example cost : if your social workers’ salaries (including benefits, pensions and maternity leave) for intake and investigation were below the Provincial standard, or if your Agency budget did not provide funds to hire workers but incurred expenses funded from another source, the cost difference (unpaid) is eligible for reimbursement to meet comparable rates. This includes provisions for stand-by and overtime, remoteness adjustments, for both social workers, supervisors and other staff required after-hours service responses for costs incurred. Staff recruitment incurred costs paid by Recipients in the areas of intake and investigation can be reimbursed as well. For example relocation costs for newly recruited or transferring staff.

- 3) **Legal fees** to be reimbursed based on actual costs associated with a child protection case, where the child is still in the home (prevention) or agency operations; costs relating to child welfare (operations) *

Example cost : The Department covers legal costs associated to a child (i.e. supervision orders, court orders associated to a child, where applicable), understanding that not all children agencies serve are in care. Some examples include court-related costs (witness fees, lawyer), adoption fees, birth certificate, notarization. The Department also covers legal services fees and costs related to a delegated FNCFS agencies’ operations, which includes legal services related to agency business. This could include expenses such as corporate expenses, human resources, incorporation, and delegation negotiations.

Note: Legal fees associated with children in care are already reimbursed by actuals under maintenance reimbursement process.

- 4) **Building repairs** to be reimbursed based on actual costs, including those to bring buildings to a level of compliance with building codes, fire codes, and to meet health and safety standards *

Example cost : fire alarm repairs installations/repairs, wheelchair ramps, mold or asbestos remediation, security systems and equipment, heating/cooling system repairs, first aid kits, etc.

*Additional bookkeeping / audit costs for all cost categories of this Section 2.2 will be retroactively reimbursed.

2.3 Maintenance Expenditures – Not eligible for “*Retroactive Actual Costs Claims*”:

Since the ISC has been reimbursing maintenance eligible expenditures based on actuals since 2016, there should not be a retroactive payment needed in this area. Ontario Region FNCFS Designated Agencies should have submitted maintenance expenditures DCI throughout the year using DCI #455917 in accordance with the Funding Agreement requirements.

Please continue to fill-out the DCI #455917 for eligible maintenance expenditures for this year and going forward as per the DCI User Guide and related instructions.

3. **ONTARIO REGION FNCFS DESIGNATED AGENCIES’ PROCESS ON HOW TO PREPARE A “RETROACTIVE ACTUAL COSTS CLAIM” FOR REIMBURSEMENT OF ELIGIBLE COSTS**

This section provides instructions to Ontario Region FNCFS Designated Agencies on how to prepare a *Retroactive Actual Costs Claim Excel Form* for reimbursement of eligible costs to be submitted to ISC.

IMPORTANT NOTE: Ontario Region FNCFS Designated Agencies must report on the *Retroactive Actual Cost Claims* only for the unfunded and actual incurred eligible costs amounts requested for reimbursement for which ISC may request supporting documentation.

3.1 Required Documentation

For the reimbursement of costs for Prevention/Least Disruptive Measure, Intake and Investigation, Legal Fees, and Building Repairs, Ontario Region FNCFS Designated Agencies must fully complete the *Retroactive Actual Costs Claim Excel Form Template* provided by the Regional Office.

Annex C of this document provides the field description required under the Form template.

3.2 Certification Signature Block

The “*CERTIFICATION*” section must be completed (including the title of the person certifying), signed and dated by the **FNCFS Designated Agency’s Chief Financial Officer, Executive Director or equivalent** in the space provided on Cover Page of the *Retroactive Actual Costs Claim Excel Form*.

ISC Regional Officers will only accept certified claims.

CERTIFICATION (by Authorized Ontario Region FNCFS Designated Agency’s Chief Financial Officer, Executive Director or equivalent Official for each *Retroactive Actual Costs Claim*)

I certify that:

- a) The costs described in this claim are eligible under the existing Child and Family Services Program Authorities (Terms and Conditions);
- b) Generally accepted and consistently followed accounting practices have been used; and
- c) The reimbursement of the *Retroactive Actual Costs Claims*’ requests is to reimburse actual costs not already covered from any federal department (including ISC), or any provincial, territorial, or municipal government funding.

4. THE “RETROACTIVE ACTUAL COSTS CLAIMS” SUBMISSION PROCESS FOR REIMBURSEMENT

4.1 *Retroactive Actual Costs Claim* Submission Process

Ontario Region FNCFS Designated Agencies are strongly encouraged to submit their certified *Retroactive Actual Costs Claim Excel Form* to their Regional Office with the signed scanned copy of their *Retroactive Actual Costs Claim Excel Form* for reimbursement of costs by **September 30th, 2018**. Should Ontario Region FNCFS Designated Agencies require more time (including to March 31, 2019), Canada will provide it.

The *Excel Retroactive Actual Costs Form* template is a standard tool that can be used.

Minimum requirements to be submitted by Recipients to ISC is the certified Cover Page (first tab of the *Excel Retroactive Actual Costs Form*) with accompanying information to demonstrate incurred eligible actual costs.

On the issue of documentation, Canada is open to being flexible should receipts or invoices not be available, but requires some form of documentation to meet its financial accountability requirements. Should there not be an invoice or receipt, the Department will work with the requestor to do a declaration and/or provide some other form of documentation (e.g., audited financial statements that already exist, general ledgers, email confirmation from suppliers) to process the claim.

4.1.1 Claims Completeness Check and Supporting Documentation

Before a *Retroactive Actual Costs Claim* request for reimbursement of costs can be processed, FNCFS Regional Officers will ensure the completeness of the Ontario Region FNCFS Designated Agency’s Claim.

FNCFS Regional Officers will contact the Ontario Region FNCFS Designated Agencies if documentation is insufficient. ISC may also request Ontario Region FNCFS Designated Agencies to submit documentation to support and verify the eligibility of the expenses for reimbursement, such as: invoices, quotes, proposals, financial documentation, timesheets, provincial salary grid, etc.

4.1.2 Reimbursement Processing to Ontario Region FNCFS Designated Agencies

In the case of Ontario Region FNCFS Designated Agencies not having a funding agreement with ISC, new funding agreements will be created with them. Upon signatures of the new funding agreement and confirmation that requirements under this Guide have been met, payment for reimbursement of retroactive eligible costs will be issued to the Ontario Region FNCFS Designated Agencies.

ISC will make every effort to ensure that administrative burden is reduced to expedite reimbursement of claims to Recipients.

For all costs categories listed above: once Ontario Region FNCFS Designated Agencies’ *Retroactive Actual Costs Claims* requests have been submitted for Ontario Region FNCFS Designated Agencies in need of additional funding for reimbursement of incurred eligible actual costs, ISC can issue an electronic deposit funds transfer.

5. THE FUNDING AGREEMENTS

Funding Agreements set out the program delivery requirements describing the nature and type of FNCFS costs that are eligible for reimbursement.

Notwithstanding the funding agreement provision where fixed funding is provided (i.e. that any amount that the Recipient spends that is more than the maximum FIXED amount for the program, service or activity for the specified fiscal year is the responsibility of the Recipient), as per the Decision, the eligible costs categories for retroactive costs based on actual cost claims by FNCFS Designated Agencies must be reimbursed by ISC.

6. RECIPIENT REPORTING REQUIREMENTS

Ontario Region FNCFS Designated Agencies will continue to be responsible – with the assistance of their accountants / auditors - to report using CPA Canada Standards, Guidelines etc. For example, adherence to GAAP (Generally Accepted Accounting Principle) – Matching Principle - where revenues and costs can be matched appropriately to leave a clear audit trail and ensure that same costs are not reimbursed more than once.

As mentioned within the ISC Reporting Guide “*Financial Reporting Requirements*” Section 7, the department will not be requesting restatement of the Recipient’s past submissions of its financial reporting package(s) for fiscal years 2015-2016 and 2016-2017.

For 2017-2018 Budget expended costs, in accordance with the requirements set out in the Data Collection Instrument (DCI) #1208367, *First Nations Child and Family Services Annual Report*, the FNCFS Designated Agencies must submit a report for all 2017-2018 expenditures. Ontario Region FNCFS Designated Agencies must clearly identify, in Section 2, 2017-2018 Budget Current Year, the overall funding received in 2017-2018, including retroactive payments incurred in 2017-2018 only. This report should exclude costs incurred in previous years associated with the retroactive reimbursement. See **Annex E of this document** for Section 2 of DCI #1208367.

7. AUDIT TRAIL FOR ELIGIBLE COSTS

In accordance with the provisions of the Funding Agreement, the Ontario Region FNCFS Designated Agencies’ responsibility is to keep and maintain books of accounting and other records in which all receipts and disbursements in relation to the eligible costs are recorded. The description on the *Retroactive Actual Costs Claim Excel Form* request should be consistent with the description of goods/services involved.

8. CONTACT INFORMATION

Ontario Region FNCFS Designated Agencies can contact their Regional Office representatives for any questions regarding the reimbursement of actual costs claim process.

ANNEX A – FEBRUARY 1ST, 2018 CHRT PARAGRAPHS

The following are the paragraphs of the February 1st, 2018 CHRT Decision relating to the reimbursement of eligible actual costs:

PREVENTION/LEAST DISRUPTIVE MEASURES, BUILDING REPAIRS, INTAKE AND INVESTIGATIONS AND LEGAL FEES:

[410] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada, pending long term reform of its National FNCFS Program funding formulas and models, to eliminate that aspect of its funding formulas/models that creates an incentive resulting in the unnecessary apprehension of First Nations children from their families and/or communities. To this effect, and pursuant to Section 53 (2) (a) of the CHRA, the Panel orders INAC to develop an alternative system for funding prevention/least disruptive measures, intake and investigation, legal fees, and building repairs services for First Nations children and families on-reserve and in the Yukon, based on actual needs which operates on the same basis as INAC's current funding practices for funding child welfare maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by the FNCFC agencies to be in the best interests of the child and develop and implement the methodology including an accountability framework in consultation with AFN, the Caring Society, the Commission, the COO and the NAN (see protocol order below), by April 2, 2018 and report back to the Panel by May 3, 2018.

*[411] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada to cease its discriminatory funding practice of not fully funding the costs of **prevention/least disruptive measures, building repairs, intake and investigations and legal fees**. In order to ensure proper data collection and to be responsive to the real needs of First Nations children, the Panel orders Canada, to provide funding on actual costs for least disruptive measures/prevention, building repairs, intake and investigations and legal fees in child welfare to be reimbursed retroactive to January 26, 2016 by April 2, 2018. This order complements the order above.*

ANNEX B – FEBRUARY 1ST, 2018 LETTERS TO AGENCIES

Areas of Actuals Cost for First Nations Child and Family Service Agency Expenditures

In each of these areas, you will need to keep track of all of your expenditures. Should your existing budget not be sufficient to cover actual costs, the Department of Indigenous Services Canada (DISC) will reimburse you based on the actual cost. This list will be revised as we work together to implement this new approach.

Example expenditures, and funding streams they are funded over, include:

Legal Costs:

- legal services fees and costs related to a delegated First Nations Child and Family Service (FNCFS) Agency operations will be reimbursed under operations at actual cost;
- legal costs associated to a child not covered by other provincial/territorial departments and organizations or other federal departments will be reimbursed at actual cost under maintenance.

Building Repairs:

- the DISC will cover the actual costs of building renovation or repair projects to ensure facilities comply with applicable fire, safety and building codes and regulations.

Intake/Investigation:

- staff salary, training, benefits and travel will be reimbursed at actual cost under operations.

Prevention/Least Disruptive Measures:

- staff salary, travel, benefits, professional development, and staff training;
- prevention activities and least disruptive measures will be reimbursed under prevention at actual cost. Prevention activities and programming and/or least disruptive measures are designed to keep families and children together, in their own homes (as identified in the intake assessment, family service plan, family care/case plan, child's service plan, case plan, care plan, family enhancement agreement or similar document) and includes but is not limited to:
 - parenting/guardian education programs
 - respite care
 - homemaker and parent/guardian aid services
 - mentoring services for children and parents
 - home management (e.g. budgeting, financial literacy, menu planning, directing families toward appropriate services, supporting parents/guardians in their search for work);
 - cultural, recreational and other activity-related needs for children still living at home;
 - transportation and accommodation/meals (if needed) for children to attend non-medical and medical services or appointments;
 - transportation and accommodation/meals (if needed) for parents/guardians to attend non-medical (e.g. parenting classes) and medical services or appointments as identified;
 - purchase of basic needs items (e.g. a crib, bed, fridge, stove, air conditioner, etc.) meant to ensure that children be kept within the home; and
 - non-medical counselling services.

ANNEX C- EXCEL ONTARIO DESIGNATED AGENCIES RETROACTIVE ACTUAL COSTS CLAIM FORM

DESCRIPTION FIELDS AND EXCEL CLAIM FORM TEMPLATE

(For the reimbursement of Prevention/Least Disruptive Measures;
Intake and Investigation; Legal Fees and Building Repairs)

Section #1 - The Main Cover Page (including Certification) - Description Fields

The following is required for this section:

Item	Description
Fiscal Year	Fiscal years : from January 26, 2016 to March 31, 2016 (i.e. 2015-16) : 2016-2017 : 2017-2018
Province / Territory	The Province or Territory of the recipient
Recipient Name and Funding Recipient Number	The recipient name and funding recipient number
Section 2: Prevention / Least Measures based on actual costs (Prevention)	This represents the total expenditure claim for the section. This section is automatically populated based on the expenditure total of the section.
Section 3A: Intake and Investigations based on actual costs (Operations) – Salaries	This represents the total expenditure claim for the section. This section is automatically populated based on the expenditure total of the section.
Section 3B: Intake and Investigations based on actual costs (Operations) Other expenditures not captured based on salaries	This represents the total expenditure claim for the section. This section is automatically populated based on the expenditure total of the section.
Section 4: Legal Fees based on actual costs (Operations or Prevention)	This represents the total expenditure claim for the section. This section is automatically populated based on the expenditure total of the section.
Section 5: Building Repairs based on actual costs (Operations) for health and safety	This represents the total expenditure claim for the section. This section is automatically populated based on the expenditure total of the section.
Three fiscal years claim amount and Grand Total	This represents the claim amount per fiscal year and a grand total expenditure claim. This section is automatically populated based on the grand expenditure total of all sections.
Certification Statement	The declaration section as defined by ISC by Recipient authorized Official (Chief Financial Officer or Executive Director or Equivalent).
Given Name	The given name, family name and position title of the person who acknowledged the accuracy of the information, and the date on which it was completed. Dates are in the format of 'YYYY-MM-DD'. A valid telephone includes the 3 digit area code in the format ###-###-####. A valid email address may be in upper or lower case in the format: test@test.ca
Family name	
Title	
Telephone number	
E-mail address	
Date	

Section #1 – Ontario Excel Retroactive Actual Costs Claim Form for Main Cover Page:



Services aux Autochtones Canada Indigenous Services Canada

Unclassified (When Completed)
(2017-2018)

FOR ONTARIO REGION DESIGNATED AGENCIES

**Claims for Reimbursement of Eligible Retroactive Actual Costs
First Nations Child and Family Services Program (FNCFS)**

Privacy Act Statement

The personal information you provide to Government of Canada is governed in accordance with the Privacy Act. We only collect the necessary information we need to assess the request for reimbursement. Collection of information for this purpose is authorized under the Department of Indigenous Services. We require this information to process eligible payments of reimbursements and for audit purposes. In accordance with the Privacy Act and the Access to Information Act, individuals have a right to protection of, access to and correction of their personal information. Details on these matters are available at the InfoSource Website at <http://infosource.gc.ca>

Province or Territory	Fiscal Year
<input type="text"/>	<input type="text" value="2017-2018"/>
Agency Name	
<input type="text"/>	
Funding Recipient Name (Agreement)	Funding Recipient Number
<input type="text"/>	<input type="text"/>

Financial Summary: Claims for Reimbursement of Eligible	FY 15-16 (From January 26 to	FY 16-17	FY 17-18	Total
Section 2: Prevention / Least Measures based on actual costs (Prevention)	\$0.00	\$0.00	\$0.00	\$0.00
Section 3A: Intake and Investigations based on actual costs (Operations) - Salaries	\$0.00	\$0.00	\$0.00	\$0.00
Section 3B: Intake and Investigations based on actual costs (Operations) - Other Costs	\$0.00	\$0.00	\$0.00	\$0.00
Section 4: Legal Fees based on actual costs (Operations or Prevention)	\$0.00	\$0.00	\$0.00	\$0.00
Section 5: Building Repairs based on actual costs (Operations) for health and safety	\$0.00	\$0.00	\$0.00	\$0.00
Grand Total	\$0.00	\$0.00	\$0.00	\$0.00

Certification by Recipient's Authorized Official (Chief Financial Officer or Executive Director or equivalent) for each Retroactive Actual Costs Claim

I certify that:
 a) Generally accepted and consistently followed accounting practices have been used; and
 b) The reimbursement of the Retroactive Actual Costs Claims' requests is to reimburse actual costs not already covered from any federal department (including the Department of Indigenous Services Canada), or any provincial, territorial, or municipal government funding.

Given Name	Family Name
<input type="text"/>	<input type="text"/>
Title	Telephone Number (###-###-####)
<input type="text"/>	<input type="text"/>
E-mail address	Date (YYYY-MM-DD)
<input type="text"/>	<input type="text"/>

Section #2 - Prevention / Least Measures based on actual costs (Prevention) – Description Fields

- Claim frequency for the section: One claim amount for cumulative total of the three fiscal years (from January 26, 2016 to March 2018)
- The following is required for this section:

Item	Description
The fiscal year costs were incurred	The fiscal year of the activity where costs were incurred
Activity Description	The description of the activity
Expenditure Total	The expenditure total
Comment	General comments
Expenditure Grand Total	The grand total of all expenditures

Section #2 - Excel Retroactive Actual Costs Claim Form for Prevention / Least Measures Based on actual costs (Prevention)

Expenditure Grand Total FY 15-16 (January 26, 2016 to March 31, 2016)	\$0.00
Expenditure Grand Total FY 16-17	\$0.00
Expenditure Grand Total FY 17-18	\$0.00

Claims for Reimbursement of Eligible Retroactive Actual Costs (FNCFs)

Expenditure Grand Total	\$0.00	Section 2: Prevention / Least Measures based on actual costs (Prevention)
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Incurring Fiscal Year	Activity Description	Expenditure Total	Comment

Section #3 - Intake and Investigation based on actual costs (Operations) – Description Fields

- Claim frequency for the section: One claim amount for cumulative total of the three fiscal years (from January 26, 2016 to March 2018)
- The following is required for this section:

Salaries

Item	Description
The fiscal year costs were incurred	The fiscal year of the activity where costs were incurred
Job Title	The title of the job
Job Type	The list of job types which include: • Full Time • Part Time • Casual
Salary	The total salary incurred for the fiscal year
Expenditure Total	The expenditure total
Comment	General comments
Expenditure Grand Total	The grand total of all salaries

Section #3A - Excel Retroactive Actual Salary Costs Claim Form for Intake and Investigation based on actual costs (Operations)

Expenditure Grand Total FY 15-16 (January 26, 2016 to March 31, 2016)	\$0.00
Salary Grand Total FY 16-17	\$0.00
Salary Grand Total FY 17-18	\$0.00
Expenditure Grand Total	\$0.00

Claims for Reimbursement of Eligible Retroactive Actual Costs (FNCFs)

Section 3A: Intake and Investigation based on actual costs (Operations)
Salaries

Incurring Fiscal Year	Job Title	Job Type	Salary	Comment

Section #3 - Intake and Investigation based on actual costs (Operations) – Description Fields (cont'd)

Other expenditures not captured based on salaries

Item	Description
The fiscal year costs were incurred	The fiscal year of the activity where costs were incurred
Description	The description of the expenditure
Expenditure Total	The expenditure total
Comment	General comments

Section #3B - Excel Retroactive Actual Costs Claim Form for Intake and Investigation based on actual costs (Operations) – other expenditures not captured on salaries



Unclassified (When Completed)
(2017-2018)

Expenditure Grand Total FY 15-16 (January 26, 2016 to March 31, 2016)	\$0.00
Expenditure Grand Total FY 16-17	\$0.00
Expenditure Grand Total FY 17-18	\$0.00

Claims for Reimbursement of Eligible Retroactive Actual Costs (FNCFS)

Expenditure Grand Total	\$0.00
-------------------------	--------

Section 3B: Intake and Investigation based on actual costs (Operations)
Other expenditures not captured based on salaries

Incurring Fiscal Year	Description	Total Expenditure	Comment

Section #4 - Legal Fees based on actual costs (Operations or Prevention) – Description Fields

- Submission frequency for the section: One claim amount for cumulative total of the three fiscal years (from January 26, 2016 to March 2018)
- Please note: Legal Cost – Child not in Care include legal costs for a child that is not in care, where the child is under protection and a case file is open for that specific child.
- The following is required for this section:

Item	Description
The fiscal year costs were incurred	The fiscal year of the activity where costs were incurred
Legal Cost Type	The list of legal cost types which include: <ul style="list-style-type: none"> • Agency Legal Cost • Legal Cost – Child not in Care
Description	Brief description of the Legal Cost
Expenditure Total	The expenditure total
Comment	General comment
Expenditure Grand Total	The grand total of all expenditures

Section #4 - Excel Retroactive Actual Costs Claim Form for Legal Fees based on actual costs (Operations or Prevention)



Services aux Autochtones Canada / Indigenous Services Canada

Unclassified (When Completed)
(2017-2018)

Expenditure Grand Total FY 15-16 (January 26, 2016 to March 31, 2016)	\$0.00	
Expenditure Grand Total FY 16-17	\$0.00	
Expenditure Grand Total FY 17-18	\$0.00	Claims for Reimbursement of Eligible Retroactive Actual Costs (FNCFs)
Expenditure Grand Total	\$0.00	Section 4: Legal Fees based on actual costs (Operations or Prevention) - Operations : Agency's operations legal fees relating to child welfare - Prevention : legal fees for a child protection case, where the child is still in the home
Incurred Fiscal Year	Description	Expenditure Total
Comment		

Section #5 - Building Repairs based on actual costs (Operations) for health and safety – Description Fields

- Submission frequency for the section: One claim amount for cumulative total of the three fiscal years (from January 26, 2016 to March 2018)
- The following is required for this section:

Item	Description
The fiscal year costs were incurred	The fiscal year of the activity where costs were incurred
Description	Brief description of the Building Repair
Expenditure Total	The expenditure total
Comment	General comment
Expenditure Grand Total	The grand total of all expenditures

Section #5 - Excel Retroactive Actual Costs Claim Form for Building Repairs based on actual costs (Operations) for health and safety

Indigenous and Northern Affairs Canada / Affaires autochtones et du Nord Canada

Unclassified (When Completed)
(2017-2018)

Expenditure Grand Total FY 15-16 (January 26, 2016 to March 31, 2016)	\$0.00
Expenditure Grand Total FY 16-17	-\$0.00
Expenditure Grand Total FY 17-18	\$0.00
Expenditure Grand Total	\$0.00

Claims for Reimbursement of Eligible Retroactive Actual Costs (FNCFs)

Section 5: Building Repairs based on actual needs (Operations) for health and safety

Incurred Fiscal Year	Description	Total Expenditure	Comment

ANNEX D – SECTION 2 OF DCI #1208367 : FNCFS ANNUAL REPORT



Indigenous and Northern Affairs Canada

Affaires autochtones et du Nord Canada

DCI 1208367 (2017-2018)
Page 2 of 2

Section 2: Financial Summary

Recipients funded under the **Prevention Based Approach** are required to provide the following information:

- Current year budget revenues that are in accordance with the funding agreement;
- A budget forecast that outlines revenues and expenditures for the delivery of child and family services in relation to the strategic plan for the current year and projections for the following year.

Revenues	2017-18 Budget Current Year	2018-19 Budget Forecast
INAC		
Administration/Operations		
Maintenance/Protection		
Prevention/Least Disruptive Measures		
Other Sources		
Provincial Government		
Children's Special Allowance		
Child's Disability Benefit/Child Care		
Other		
Total Revenues		
Expenses	2017-18 Budget Current Year	2018-19 Budget Forecast
Program Delivery Services		
Intake, Assessment and Investigation		
Child Protection Services		
Prevention/Least Disruptive Measures		
Supports for Permanency Services		
Total Program Delivery Costs		
Operations		
Core Management		
Financial Administration		
Infrastructure Costs		
Board Governance		
Total Operations		
Total Expenses		
Net Operating Results		

Supporting Documents

Title	Submission Method
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> (+) Add a Document	

Declaration

The information provided is accurate to the best of my knowledge.

Given Name		Family Name	
Title			Date (YYYYMMDD)



This is **Exhibit " R "** to the Affidavit
of **Anne Scotton** sworn before me at
Thunder Bay on
the 12th day of February, **2020**.

Jennifer Anne Gernat

A Commissioner for taking Affidavits

Jennifer Anne Gernat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development.
Expires April 24, 2020.



Indigenous Services
Canada

Services aux Autochtones
Canada

ONTARIO REGION
**RECIPIENT GUIDE FOR REIMBURSEMENT OF
RETROACTIVE FIRST NATIONS CHILD AND FAMILY
SERVICES (FNCFS) BAND REPRESENTATIVE SERVICES
ACTUAL COSTS RESULTING FROM THE
CANADIAN HUMAN RIGHTS TRIBUNAL ORDERS
(January 26, 2016, April 26, 2016, September 14, 2016 and
February 1, 2018)**

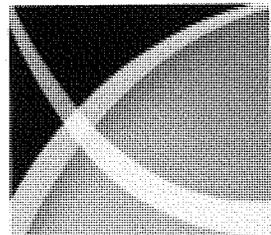
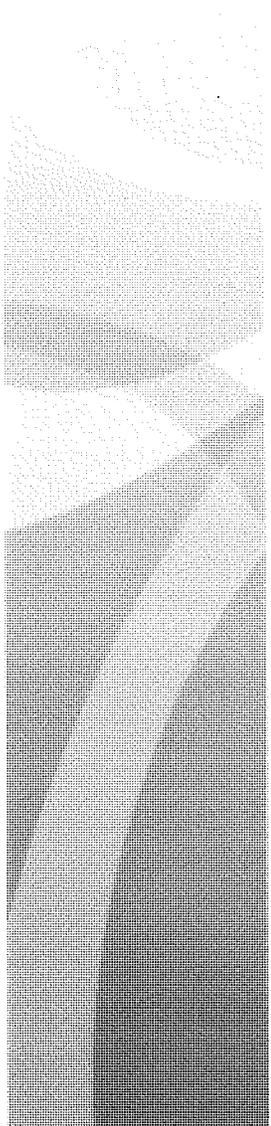
Note to Readers

The purpose of this document is to support Recipients in accessing funding as per the Canadian Human Rights Tribunal (CHRT) Decision and to provide Recipients with information on the standard requirements to be met when preparing retroactive claims for reimbursement of incurred eligible Band Representative Services actual costs, covering the period of January 26, 2016 to February 1, 2018.

Throughout the document, the term **Recipient** refers to Ontario Region Delegated FNCFS (including Tribal Councils and First Nation Bands) having an existing funding agreement with the Department of Indigenous Services Canada (ISC) (formerly known as Indigenous and Northern Affairs Canada (INAC)).

This document does not limit or prejudice in any manner any right or discretion of the Minister, the Minister's representatives, the Auditor General of Canada, or anyone acting on behalf of the Auditor General of Canada, including, without limitation or prejudice to the generality of the foregoing, any of their rights or discretion under the Funding Agreements to request and obtain from Recipients or third parties information or documents in addition to, or different from, those specified herein. ISC commits to notifying Recipients in writing of any changes within the Guide as they may occur.

April 17, 2018



Canada

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1. PREAMBLE

The Canadian Human Rights Tribunal (CHRT) issued the decision 2018 CHRT 4, dated February 1, 2018, ordering Canada to change its funding approach by fully reimbursing Recipients' actual costs in many areas, including retroactively to the Tribunal's January 26, 2016 decision (2016 CHRT 2).

The paragraph of the February 1st, 2018 CHRT Decision relating to the reimbursement of Band Representative Services eligible actual costs is as follows:

*[427] The Panel, pursuant to Section 53 2 (a) and (b) of the CHRA, orders Canada to fund **Band Representative Services for Ontario** First Nations, Tribal Councils or First Nations Child and Family Services Agencies at the actual cost of providing those services, retroactively to January 26, 2016 by February 15, 2018 or within 15 business days after receipt of the documentation of expenses and until such time as studies have been completed or until a further order of the Panel.*

The full decision can be found at: <https://fncaringociety.com/sites/default/files/2018%20CHRT%204.pdf>.

2. ELIGIBLE COSTS FOR THE “**BAND REPRESENTATIVE SERVICES RETROACTIVE PAYMENTS FOR ACTUAL COSTS CLAIM FORM**” PROCESS FOR THE PERIOD OF JANUARY 26, 2016 TO FEBRUARY 1, 2018

This section outlines the principles and provides information on the reimbursement of Band Representative Services retroactive incurred eligible actual costs claims covering the period of January 26, 2016 to February 1, 2018, pursuant to the Decision, that respects the current FNCFS program authorities and the Treasury Board Secretariat Policy on Transfer Payments.

2.1 Principles

The reimbursement of the *Band Representative Services Retroactive for Payment for Actual Costs Claim*' requests is to reimburse actual costs not already covered from any federal department (including ISC), or any provincial, territorial, or municipal government funding.

The following considerations shall be taken into account in determining the costs, :

- the actual cost determined by the Recipient to be in the best interest of the child;
- whether the cost is generally recognized as normal and necessary for the conduct of the activity;
- the restraints and requirements by such factors as generally accepted accounting principles, arm's length bargaining, federal, provincial and local laws and regulations, and Certified Accountant terms; and
- ensure substantive equality and the provision of culturally appropriate services, the needs of each individual child and his or her family must be considered and evaluated, in light of their distinct needs and circumstances including their cultural, historical and geographical needs and circumstances, for instance by taking into account any needs that stem from historical disadvantage and the lack of on-reserve and/or surrounding services.

2.2 Eligible Costs For All CFS Recipients “Band Representative Services Retroactive for Payment for Actual Costs Claim”

For the period of January 26, 2016 to February 1, 2018, ISC will be providing Recipients with retroactive funding payment for the following eligible activities (but are not limited to) and for which actual costs incurred:

- 1) Salary and benefits;
- 2) Per diem and honorarium payments;
- 3) Travel;
- 4) Accommodation and meal costs;
- 5) Long-distance telephone costs;
- 6) Client transportation (non-medical);
- 7) Family support services;
- 8) Court fees and disbursements and court-ordered costs related to child protection cases; and
- 9) Additional bookkeeping/audit fees related to the retroactive payments for Band Representative Services.

3. RECIPIENTS’ PROCESS ON HOW TO PREPARE A “BAND REPRESENTATIVE SERVICES RETROACTIVE PAYMENTS FOR ACTUAL COSTS CLAIM” FOR REIMBURSEMENT OF ELIGIBLE COSTS

This section provides instructions to Recipients on how to prepare a *Band Representative Services Retroactive Payments for Actual Costs Claim* for reimbursement of eligible costs to be submitted to the ISC.

IMPORTANT NOTE: Recipients must report on *Band Representative Services for Retroactive Payments for Actual Cost Claims* only for the unfunded and actual incurred eligible costs amounts requested for reimbursement for which the ISC may request supporting documentation.

3.1 Required Documentation

For the reimbursement of costs for Band Representative Services, Recipients must fully complete the *Retroactive Payments for Actual Costs Reimbursement Form Template* provided by the Regional Office in the February 16, 2018, letter.

Further to the February 1, 2018 (see **Annex A of this document**), letter that was sent by ISC to Chiefs and Band/Tribal Council members, **Annex B of this document** includes the February 16, 2018, e-mail sent by ISC to Chiefs and Band/Tribal Council as well as the instructions / template documents (included in that e-mail) providing additional information for the reimbursement of Band Representative Services retroactive eligible actual costs.

Included in this email are three documents:

- Retroactive Reimbursements for Ontario Band Representatives information
- Annex A: Reimbursement Form including instructions
- Annex B: Declaration Form

Recipients must complete the following sections in the Reimbursement Form and send to ISC:

- Section 1- Organization’s Information
- Section 2 – Band Representative Services – Request for Reimbursement of Actual Costs: indicate “see attached” under **Provide details of Band Representative Services for each fiscal that applies**
- Section 3 – Signature and Authorization

Documentation provided to ISC for the purpose of making claims for retroactive reimbursement of Band Representative Services in accordance with the letter of **February 1, 2018** are requested by ISC for that purpose only. ISC does not intend to use that documentation for the purpose of assessing or reviewing the First Nation's compliance with program, service and activity delivery standards and delivery requirements set out in the First Nation's funding agreements with INAC/ISC.

Reimbursement can be submitted electronically or by mail.

BY MAIL

Catherine Thai
A/Manager, Social Programs
Education and Social Programs Directorate
25 St. Clair Avenue East, 8th Floor
Toronto, Ontario
M4T 1M2

ELECTRONICALLY

Please send your e-mail to Catherine.Thai@canada.ca.

4. THE “*BAND REPRESENTATIVE SERVICES RETROACTIVE PAYMENTS FOR ACTUAL COSTS CLAIMS*” SUBMISSION PROCESS FOR REIMBURSEMENT

4.1 *Retroactive Actual Costs Claim Submission Process*

Recipients are strongly encouraged to submit their certified *Band Representative Services Retroactive Payments for Actual Costs Claim* for reimbursement to their Regional Office for reimbursement of costs by **September 30th, 2018**. Should Recipients require more time (including to March 31, 2019), Canada will provide it.

4.1.1 Claims Completeness Check and Supporting Documentation

Before a *Band Representative Services Retroactive Payments for Actual Costs Claim* request for reimbursement of costs can be processed, FNCFS Regional Officers will ensure the completeness of the Recipient's Claim.

FNCFS Regional Officers will contact the Recipients if documentation is insufficient. ISC may also request Recipients to submit other documentation to support and verify the eligibility of these expenses for reimbursement, such as: invoices, quotes, proposals, financial documentation, timesheets, provincial salary grid, etc.

4.1.2 Reimbursement Processing to Recipients

In the case of First Nations and Tribal Councils currently under an existing funding agreement with ISC for Band Representatives, Regional Officers will send a *Notice of Acceptance of Request (NAR) for First Nations or Tribal Councils* to issue payments once has been received and the requirements under this Guide have been met. No signature by the recipient will be required on the NAR to issue payment.

In the case of Delegated Agencies currently under an existing funding agreement with ISC for Band Representatives, Regional Officers will send a *Notice of Acceptance of Request (NAR) for Recipient Other* to issue payments once been received and the requirements under this Guide have been met. No signature by the recipient will be required on the NAR to issue payment.

Once Recipients' *Band Representative Services for Retroactive Payments for Actual Costs Claims* requests have been submitted for reimbursement, ISC can issue an electronic deposit funds transfer.

See **Annex C of this document** for Timelines for the Reimbursement of Retroactive Actual Costs for Recipients having an existing funding agreement with ISC.

ISC will make every effort to ensure that administrative burden is reduced to expedite reimbursement of claims to Recipients.

5. THE FUNDING AGREEMENTS

Funding Agreements set out the program delivery requirements describing the nature and type of FNCFS costs that are eligible for reimbursement.

Notwithstanding the funding agreement provision where fixed funding is provided (i.e. that any amount that the Recipient spends that is more than the maximum FIXED amount for the program, service or activity for the specified fiscal year is the responsibility of the Recipient), as per the Decision, the Band Representative Services eligible costs for retroactive costs based on actual cost claims by Recipients must be reimbursed by ISC.

6. RECIPIENT REPORTING REQUIREMENTS

Recipients will continue to be responsible – with the assistance of their accountants / auditors - to report using CPA Canada Standards, Guidelines etc. For example, adherence to GAAP (Generally Accepted Accounting Principle) – Matching Principle - where revenues and costs can be matched appropriately to leave a clear audit trail and ensure that same costs are not reimbursed more than once.

As mentioned within the ISC Reporting Guide "*Financial Reporting Requirements*" Section 7, the department will not be requesting restatement of the Recipient's past submissions of its financial reporting package(s) for fiscal years 2015-2016 and 2016-2017.

For 2017-2018 Budget expended costs, in accordance with the requirements set out in the Data Collection Instrument (DCI) #1208367, *First Nations Child and Family Services Annual Report*, the Recipients must submit a report for all 2017-2018 expenditures. Recipients must clearly identify, in Section 2, 2017-2018 Budget Current Year, the overall funding received in 2017-2018, including retroactive payments incurred in 2017-2018 only. This report should exclude costs incurred in previous years associated with the retroactive reimbursement. See **Annex D of this document** for Section 2 of DCI #1208367.

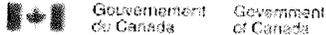
7. AUDIT TRAIL FOR ELIGIBLE COSTS

In accordance with the provisions of the Funding Agreement, the Recipients' responsibility is to keep and maintain books of accounting and other records in which all receipts and disbursements in relation to the eligible costs are recorded. The description on the *Band Representative Services Retroactive for Payments for Actual Costs Claim* request should be consistent with the description of goods/services involved.

8. CONTACT INFORMATION

Should you have any questions or concerns, we encourage you to contact your regional departmental office contact, Ms. Catherine Thai, A/Manager, Social Programs at (416) 973-5227 or Catherine.Thai@canada.ca.

ANNEX A OF RECIPIENT GUIDE – February 1st, 2018 Email sent to Chiefs and Band/Tribal Council Members



February 1, 2018

Dear Chiefs and Band/Tribal Council members,

Today, the Canadian Human Rights Tribunal released its ruling on First Nations Child and Family Services, which may impact you, your organizations, and the First Nations children and youth you serve.

Pursuant to the ruling, Canada is required to:

... fund Band Representative Services for Ontario First Nations, at the actual cost of providing those services retroactively to January 26, 2016 by February 15, 2018 and until such time as studies have been completed or until a further order of the Panel.[para 427]

We are writing you today to advise you of this ruling, to ensure that any costs for Band Representative Services for First Nations children and youth (0-18 years of age) in Ontario, during the time period of January 26, 2016 to February 1, 2018, will be reimbursed.

To reimburse actual costs, we kindly request that you submit any evidence of costs that you may have incurred for the delivery of Band Representative Services to any First Nations child or youth (0-18 years of age) in Ontario. Attached is a draft of possible actual costs you may have incurred to provide Band Representative Services; this list is not exhaustive. Documentation might include, but is not limited to, receipts, attestation, financial statements.

Should you incur additional costs related to gathering documentation about your retroactive expenses, please submit these along with your request for retroactive expenses.

In order to expedite the processing of your reimbursement, please send your requests and documentation of evidence of costs for Band Representative services incurred between January 26, 2016 to February 1, 2018 to Canada by **February 15, 2018**. Should you require more time to gather the documentation and evidence of costs, it will be provided. If you cannot meet the February 15, 2018 deadline it will not be a barrier to getting your reimbursements. Canada commits to process these payments no later than 15 business days after receipt of the documentation of expenses.

.../2

Canada[®]

February 1, 2018, E-mail sent to Chiefs and Band/Tribal Council members (cont'd)

Please submit your documentation of expenses for reimbursements to your regional departmental office contact, Ms. Catherine Thai, A/Manager, Social Programs via email Catherine.Thai@canada.ca, or by mail:

Attn: Ms. Catherine Thai
A/Manager, Social Programs
Education and Social Programs Directorate
25 St. Clair Avenue East, 8th Floor
TORONTO ON M4T 1M2

Should you have any questions or concerns, we encourage you to contact your regional departmental office contact, Ms. Thai, A/Manager, Social Programs at (416) 973-5227, or Catherine.Thai@canada.ca.

Respectfully,



Paula Isaak
Assistant Deputy Minister
Education and Social Development
Programs and Partnerships
Indigenous Services Canada



Anne Scotton
Regional Director General, Ontario Region
Regional Operations
Indigenous Services Canada

Band Representative Services - Eligible Activities

Actual Costs you may have incurred and should submit for reimbursement include but are not limited to:

- Salary and benefits
- Per diem and honorarium payments
- travel
- accommodation and meal costs
- long-distance telephone costs
- client transportation (non-medical)
- family support services, and
- Court fees and disbursements and court-ordered costs related to child protection cases.

ANNEX B OF RECIPIENT GUIDE – February 16th, 2018, E-mail sent to Chiefs and Band/Tribal Councils member

Good Afternoon,

Further to the letter that was sent on **February 1, 2018** regarding the above, please find attached documents associated to reimbursement for retroactive payments for actual costs covering the period of January 26, 2016 to February 1, 2018.

Included in this email are three documents:

- Retroactive Reimbursements for Ontario Band Representatives information
- Annex A: Reimbursement Form including instructions
- Annex B: Declaration Form

If you have already submitted or started putting this information together in another form (word and/or excel sheet) please **still** fill out the following sections in the Reimbursement Form and **send to DISC**:

- ┆ Section 1
- ┆ Section 2 – indicate “see attached” under **Provide details of Band Representative Services for each fiscal that applies**
- ┆ Section 3

Documentation provided to DISC for the purpose of making claims for retroactive reimbursement of band representative services in accordance with our letter of **February 1, 2018** are requested by DISC for that purpose only. DISC does not intend to use that documentation for the purpose of assessing or reviewing the First Nation’s compliance with program, service and activity delivery standards and delivery requirements set out in the First Nation’s funding agreements with INAC/ DISC.

As indicated in the letter if you should require more time to gather the documentation and evidence of costs, it will be provided. If you cannot meet the February 15, 2018 deadline it will not be a barrier to getting your reimbursements. We are committed to processing these payments no later than 15 business days after receipt of the documentation of expenses.

Should you have any questions or concerns, we encourage you to contact your regional departmental office contact, Ms. Catherine Thai, A/Manager, Social Programs at (416) 973-5227 or Catherine.Thai@canada.ca

If you require the material in French, please let us know ASAP.

Included in February 16th, 2018, e-mail sent to Chiefs and Band/Tribal Council members
(Retroactive Reimbursement for Ontario Band Representatives information)

RETROACTIVE REIMBURSEMENTS FOR ONTARIO BAND REPRESENTATIVES

• Band Representative Funding Program:

1. Historically, the Band Representative Funding program helped to cover the costs incurred by Bands in representing their community's interest in child welfare cases involving a child registered under the *Indian Act* or who is entitled to be registered.
2. A Band Representative is a person named by the Band to represent the Band's interest in child protection proceedings, or hearings, involving one of its children. The Band Representative has full party status in hearings and child protection proceedings. In cases where no consensus can be reached by the parties, the Band representative determines if legal advice is necessary.
3. Band Representative Services arise where a formal notification has been received, for example, notices of apprehension/protection; of status review; of the Child and Family Services Review Board Hearings; and of adoption.

• Band Representative Responsibilities:

- Provide alternate dispute resolution to reduce the number of children in care.
- Provide information and resources to First Nations children and families, and advocacy for the Band and their community's best interest in court.
- Provide knowledge, awareness and promotion of the Band's interest, to courts, agencies and children's aid societies, of culturally and community appropriate care options, particularly customary care arrangements.
- Collaborate with other support services around prevention and care options in the best interest of the child.
- Act as a key contact within First Nation communities for courts, Children's Aid Societies and First Nations Child and Family Services Agencies.
- Maintain the connection of status children to their communities by working with communities, agencies and children's aid societies in other jurisdictions and repatriate children as deemed necessary.
- Attend and participate in court proceedings where eligible members are involved with matters related to child protection.
- Participate in consultations and decisions related to adoptions of status children as deemed appropriate.
- Receive notifications and monitor Temporary Care Agreements and Voluntary Service Agreements with Children's Aid Societies.

Band Representatives services may include: attending and participating in court proceedings and sessions; receiving and responding to notifications from the agency with protection issues; travel to meetings with CAS or court meetings; family support services; responding to queries related to court orders; conducting care/home visits to ensure that the child receives culturally appropriate services and placements.

**Included in February 16th, 2018, e-mail sent to Chiefs and Band/Tribal Council members
(Annex A – Reimbursement Form)**

ANNEX A

EXTERNAL USE

Protected B when completed

DEPARTMENT OF INDIGENOUS SERVICES CANADA
REIMBURSEMENT FORM
 BAND REPRESENTATIVE SERVICES – CHRT ORDER par. 427 as of February 1, 2018
 RETROACTIVE PAYMENTS FOR ACTUAL COSTS
 COVERING THE PERIOD OF JANUARY 26, 2016 TO FEBRUARY 1, 2018

SECTION 1 – Organization’s Information	
Organization’s Name:	Band # if Known:
Name of Main Contact:	
E-Mail Address:	
Street Address:	
City/Community:	Province/Territory:
Postal Code:	Telephone Number:
Name of Secondary Contact:	
E-Mail Address:	
Street Address:	
City/Community:	Province/Territory:
Postal Code:	Telephone Number:
SECTION 2 – Band Representative Services – Request For Reimbursement Of Actual Costs	
List the actual costs incurred for Band Representative Services from January 26, 2016 to March 31, 2016. (Fiscal year 2015-2016)	
Name of Individual Providing Band Representative Services:	
Name of Individual Providing Band Representative Services:	
Name of Individual Providing Band Representative Services:	
Request for reimbursement for the following actual costs:	
<input type="radio"/> Salary and benefits <input type="radio"/> Honorarium/ Per diem <input type="radio"/> Travel (Accommodations and meals) <input type="radio"/> Long distance telephone calls <input type="radio"/> Client transportation (non-medical) <input type="radio"/> Family support services <input type="radio"/> Court fees and disbursements and court-ordered costs related to child protection cases <input type="radio"/> Other, please specify _____	
In the chart below, please indicate the band representative services provided, and include documentation of expenses where available. Documentation may include receipts, financial statements, invoices, accounting statements, other proof of payment, or a signed declaration that explains what services were provided and their cost (Annex B).	
<ul style="list-style-type: none"> • If you prefer to include a separate sheet with your calculations outlining the details of actual costs incurred, please indicate "see attached" in the chart below. 	

Included in February 16th, 2018, e-mail sent to Chiefs and Band/Tribal Council members
(Annex A – Reimbursement Form)

ANNEX A

EXTERNAL USE

Protected B when completed

What service was provided?	Provide details of Band Representative Services	Cost
Total Amount Claimed:		
List the actual costs incurred for Band Representative Services from April 1, 2016 to March 31, 2017. (Fiscal year 2016-2017)		
Name of Individual Providing Band Representative Services:		
Name of Individual Providing Band Representative Services:		
Name of Individual Providing Band Representative Services:		
Request for reimbursement for the following actual costs, check all that may apply: <input type="radio"/> Salary and benefits <input type="radio"/> Honorarium/ Per diem <input type="radio"/> Travel (Accommodations and meals) <input type="radio"/> Long distance telephone calls <input type="radio"/> Client transportation (non-medical) <input type="radio"/> Family support services <input type="radio"/> Court fees and disbursements and court-ordered costs related to child protection cases <input type="radio"/> Other, please specify _____		
In the chart below, please indicate the band representative services provided, and include documentation of expenses where available. Documentation may include receipts, financial statements, invoices, accounting statements, other proof of payment, or a signed declaration that explains what services were provided and their cost (Annex B). <ul style="list-style-type: none"> • Use a separate sheet of paper if more space is required. • If you prefer to include a separate sheet with your calculations outlining the details of actual costs incurred, please indicate "see attached" in the chart below. 		
What service was provided?	Provide details of Band Representative Services	Cost

Included in February 16th, 2018, e-mail sent to Chiefs and Band/Tribal Council members
(Annex A – Reimbursement Form)

ANNEX A

EXTERNAL USE

Protected B when completed

Total Amount Claimed:		

<p>List the actual costs incurred for Band Representative Services from April 1, 2017 to February 1, 2018. (Fiscal year 2017-2018)</p>		
<p>Name of Individual Providing Band Representative Services:</p>		
<p>Name of Individual Providing Band Representative Services:</p>		
<p>Name of Individual Providing Band Representative Services:</p>		
<p>Request for reimbursement for the following actual costs:</p> <p><input type="radio"/> Salary and benefits</p> <p><input type="radio"/> Honorarium/ Per diem</p> <p><input type="radio"/> Travel (Accommodations and meals)</p> <p><input type="radio"/> Long distance telephone calls</p> <p><input type="radio"/> Client transportation (non-medical)</p> <p><input type="radio"/> Family support services</p> <p><input type="radio"/> Court fees and disbursements and court-ordered costs related to child protection cases</p> <p><input type="radio"/> Other, please specify _____</p>		
<p>In the chart below, please indicate the band representative services provided, and include documentation of expenses where available. Documentation may include receipts, financial statements, invoices, accounting statements, other proof of payment, or a signed declaration that explains what services were provided and their cost (Annex B).</p> <ul style="list-style-type: none"> • Use a separate sheet of paper if more space is required. • If you prefer to include a separate sheet with your calculations outlining the details of actual costs incurred, please indicate "see attached" in the chart below. 		
What service was provided?	Provide details of Band Representative Services	Cost

Included in February 16th, 2018, e-mail sent to Chiefs and Band/Tribal Council members
(Annex A – Reimbursement Form)

ANNEX A

EXTERNAL USE

Protected B when completed

		Total Amount Claimed:

SECTION 3 – Signature & Authorization

I declare that to the best of my knowledge the information to be true and accurate, and that it does not contain a reimbursement request of actual costs for any service previously paid for by another federal or provincial program(s).

I understand that any false or misleading statement with respect to this request and any supporting documentation, including the concealment of any material fact, may result in the refusal to issue reimbursement or payment.

I confirm that the band representative services provided in this claim involve a child registered under the *Indian Act*, or who is entitled to be registered, and the actual costs were incurred between the period of January, 26, 2016 to February 1, 2018.

Print Name (Individual with financial signing authority):

Signature:	Date:
------------	-------

Print Name (secondary signing authority if required):

Signature:	Date:
------------	-------

Reimbursements can be submitted electronically or by mail.

By Mail:

Catherine Thai
 A/Manager, Social Programs
 Education and Social Programs Directorate
 25 St. Clair Avenue East, 8th Floor
 Toronto, Ontario
 M4T 1M2

Electronically:

Please send your email to: Catherine.thai@canada.ca

FOR INTERNAL USE
FOR GOVERNMENT OF CANADA USE ONLY
Case Tracking Number:

Instructions

Type or print in CAPITAL LETTERS using black or dark blue ink.

Included in February 16th, 2018, e-mail sent to Chiefs and Band/Tribal Council members
(Annex A – Reimbursement Form)

ANNEX A

EXTERNAL USE

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Organization's Information
Provide general contact information about the organization List the contact information for the organization's primary and secondary contact, which have legal financial signing authority.

Section 2

Band Representative Services– Requests for Reimbursements of Actual Costs
Provide the name of the band representative who provided services where actual costs will be requested for reimbursement for each fiscal year that falls within the eligible reimbursement period. Specify the actual costs for each fiscal year: <ul style="list-style-type: none"> - January 26, 2016 to March 31, 2016 - April 1, 2016 to March 31, 2017 - April 1, 2017 to February 1, 2018
Request for reimbursement for the following actual costs Select the general categories that will be requested for reimbursement for the band representative that is named.
List the band representative services provided List each band representative service on separate lines and further details if applicable, including the associated cost of each service. Provide documentation of expenses. If claiming salary and benefits include details of hourly rate and number of hours being requested for reimbursement, this can include a summary of annual salary and benefits. If you require additional space for your request of reimbursement, use a separate sheet of paper. *If you have already completed your calculation or prefer to provide a separate document outlining actual costs that were incurred for the eligible reimbursement period, please indicate "see attached" in the chart.

Section 3

Signature & Authorization
Signature and authorization of an individual that has legal financial signing authority for the organization Select the person with financial signing authority to attest and confirm that the band representative services were provided and involved a child registered under the <i>Indian Act</i> , or who is entitled to be registered, and the actual costs were incurred between the period of January 26, 2016 to February 1, 2018

Requirements Checklist
Supporting documents to be submitted with your reimbursement request include: <ul style="list-style-type: none"> <input type="checkbox"/> Completed Band Representative Services Reimbursement Form <input type="checkbox"/> Receipts, financial statements, invoices, accounting statements, other proof of payment, or a signed statement (Declaration Form – Annex B) that explains what services were provided and their cost.
Note: All documents submitted throughout the financial reimbursement process will not be returned to the individual/organization. Please keep a copy for your records. All documentation must be in English or French. Additional documents or information may be requested in support of this application.

Privacy Notice – Protected Information
The personal information you provide to Government of Canada is governed in accordance with the Privacy Act. We only collect the necessary information we need to assess the request for reimbursement. Collection of information for this purpose is authorized under the <i>Department of Indigenous Services</i> . We require this information to process eligible payments of reimbursements and for audit purposes. In accordance with the Privacy Act and the Access to Information Act, individuals have a right to protection of, access to and correction of their personal information. Details on these matters are available at the InfoSource Website at http://infosource.gc.ca

February 16th, 2018, instructions / templates documents sent to Chiefs and Band/Tribal Council members
 (Annex B – Declaration Form)

DEPARTMENT OF INDIGENOUS SERVICES CANADA
DECLARATION FORM

BAND REPRESENTATIVE SERVICES – CHRT ORDER par. 427 of February 1, 2018
FOR RETROACTIVE PAYMENTS FOR THE PERIOD OF JANUARY 26, 2016 TO FEBRUARY 1, 2018
 This declaration of reimbursement is to be used when the original receipt or invoice is not available to confirm services were rendered.

Please submit this form along with the
BAND REPRESENTATIVE SERVICES REIMBURSEMENT FORM – CHRT ORDER par. 427

SECTION 1 – Organization’s Information	
Name:	Band # if known:
Street Address:	
City/Community:	Province/Territory:
Postal Code:	Telephone Number:
Email Address:	
Mailing Address (if different from business address)	
Street Address:	
City/Community:	Province/Territory:
Postal Code:	

SECTION 2 –Expenses for Band Representatives Services			
Please describe the band representative expenses incurred, including the date, the costs and any details related to the expense.			
Description of services provided and expenses incurred:	Name of Individual Providing Band Representative Services:	Date:	Cost
Total Amount Claimed:			

*Use a separate sheet of paper if required.

SECTION 3– Declaration	
I	declare that the following costs have been

**February 16th, 2018, instructions / templates documents sent to Chiefs and Band/Tribal Council members
(Annex B – Declaration Form)**

ANNEX B
EXTERNAL USE

Protected B when completed

incurred for the above noted band representative services between January 26, 2016 and February 1, 2018 and the invoice/receipt is unobtainable.	
Print Name (individual with financial signing authority):	
Signature:	Date:
Print Name (secondary signing authority if required):	
Signature:	Date:

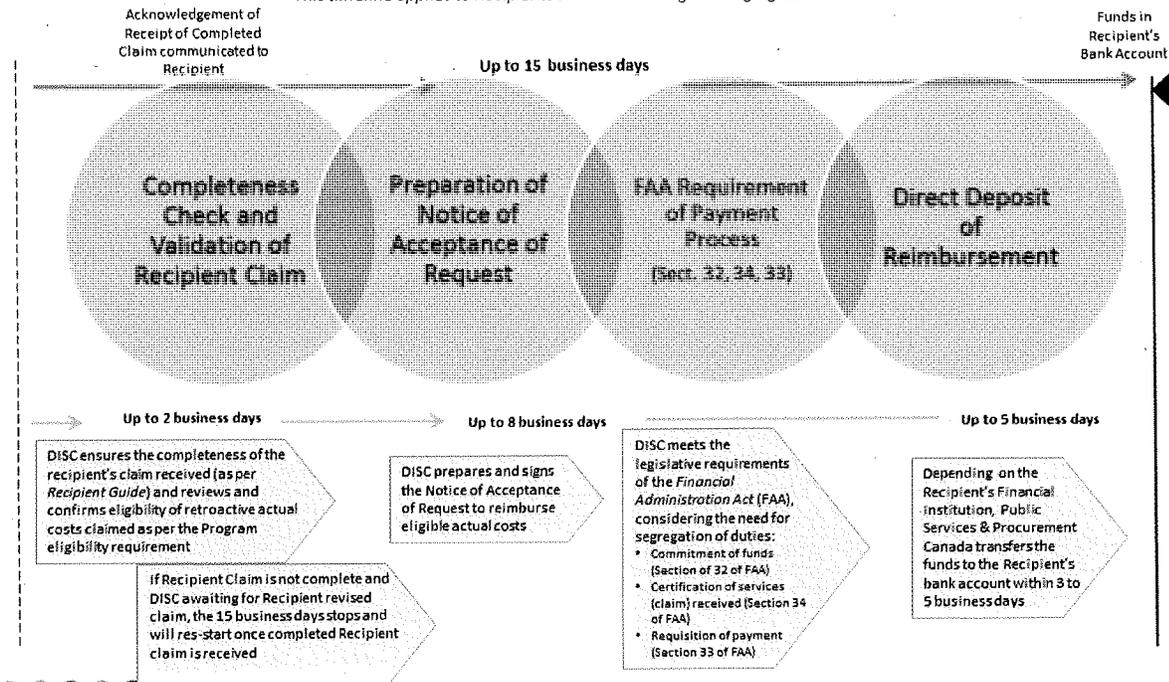
Privacy Notice – Protected Information	
<p>The personal information you provide to Government of Canada is governed in accordance with the Privacy Act. We only collect the necessary information we need to assess the request for reimbursement. Collection of information for this purpose is authorized under the <i>Department of Indigenous Services</i>. We require this information to process eligible payments of reimbursements and for audit purposes. In accordance with the Privacy Act and the Access to Information Act, individuals have a right to protection of, access to and correction of their personal information. Details on these matters are available at the InfoSource Website at http://infosource.gc.ca</p>	

ANNEX C – TIMELINE FOR REIMBURSEMENT OF RETROACTIVE ACTUAL COSTS



Timeline* for Reimbursement of Retroactive Actual Costs Claimed by Recipient Resulting from February 1, 2018 Canadian Human Rights Tribunal Orders

* This timeline applies to Recipients under an existing Funding Agreement with DISC



ANNEX D – SECTION 2 OF DCI #1208367



Indigenous and
Northern Affairs Canada

Affaires autochtones
et du Nord Canada

DCI 1208367 (2017-2018)
Page 2 of 2

Section 2: Financial Summary

Recipients funded under the **Prevention Based Approach** are required to provide the following information:

- Current year budget revenues that are in accordance with the funding agreement;
- A budget forecast that outlines revenues and expenditures for the delivery of child and family services in relation to the strategic plan for the current year and projections for the following year.

Revenues	2017-18 Budget Current Year	2018-19 Budget Forecast
INAC		
Administration/Operations		
Maintenance/Protection		
Prevention/Least Disruptive Measures		
Other Sources		
Provincial Government		
Children's Special Allowance		
Child's Disability Benefit/Child Care		
Other		
Total Revenues		
Expenses	2017-18 Budget Current Year	2018-19 Budget Forecast
Program Delivery Services		
Intake, Assessment and Investigation		
Child Protection Services		
Prevention/Least Disruptive Measures		
Supports for Permanency Services		
Total Program Delivery Costs		
Operations		
Core Management		
Financial Administration		
Infrastructure Costs		
Board Governance		
Total Operations		
Total Expenses		
Net Operating Results		

Supporting Documents

Title	Submission Method
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="button" value="+ Add a Document"/>	

Declaration

The information provided is accurate to the best of my knowledge.

Given Name	Family Name	Date (YYYYMMDD)
Title		



This is **Exhibit " S "** to the Affidavit
of **Anne Scotton** sworn before me at
Thunder Bay on
the 12th day of February, 2020.

Jennifer Anne Genereux-Gemat

A Commissioner for taking Affidavits

Jennifer Anne Genereux-Gemat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development.
Expires April 24, 2020.

FUNDING COMPARISON TABLE TO NAN AGENCIES THAT SERVE NAN COMMUNITIES

FNCFs Agency serving NAN communities	Tikinagan Child and Family Services	Payukotayno James and Hudson Bay Family Services	Kunuwanimano Child and Family Services	Total
Ministry of Children, Community and Social Services of Ontario FNCFs agency operating budget for 2019-2020*	\$52.4M	\$14.5M	\$13.8M	\$80.7M
Remoteness Quotient Phase 1 Recommended increases to existing provincial operating budgets in 2017	\$22.7M	\$7.3M	\$1.6M	\$31.6M
Remoteness Quotient Phase 2 Recommended increases to existing provincial operating budgets based on 2019-2020 budgets	\$35.7M	\$8.5M	\$6.5M	\$50.7M
Total ISC Payments between 01FEB2018 to 07FEB2020 made to FNCFs Agencies for Remoteness and actual costs under CHRT Order 411 and 427	\$35.8M	\$8.4M	\$18.4M	\$62.6M

*Source: Information provided by the Ministry of Children, Community and Social Services on October 16, 2019.

This is **Exhibit " T "** to the Affidavit
of **Anne Scotton** sworn before me at
Thunder Bay on
the 12th day of February, **2020**.

Jennifer Anne Generoux-Gernat

A Commissioner for taking Affidavits

Jennifer Anne Generoux-Gernat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development.
Expires April 24, 2020.



**Consultation Committee on Child Welfare
Assembly of First Nations (AFN)
16th Floor Large Boardroom
September 5, 2018 (9:00am –4:00pm EDT)**

RECORD OF DECISIONS

In Attendance:

Ms. Irene Lindsay, Elder
Ms. Cindy Blackstock, Caring Society, Co-Chair
Mr. Jonathan Thompson, Assembly of First Nations, Co-Chair
Ms. Margaret Buist, Director General, Children and Families Branch (ISC)
Dr. Valerie Gideon, PhD, Senior Assistant Deputy Minister (FNIHB-ISC)
Ms. Lisa Nafziger, Social Policy Analyst (ISC)
Ms. Paula Isaak, Assistant Deputy Minister, Education & Social Development Programs
Ms. Kelly Peck, Justice Canada
Mr. Martin Orr, Assembly of First Nations
Mr. Brian Smith, Canadian Human Rights Commission
Ms. Maggie Wenthe, Chiefs of Ontario
Mr. David Taylor, Legal Counsel, Caring Society
Ms. Akosua Matthews, Legal Counsel, Nishnawbe Aski Nation (NAN)
Ms. Natalie Hansen, Nishnawbe Aski Nation (NAN)
Mr. Stuart Wuttke, Legal Counsel, Assembly of First Nations

Via Teleconference:

Ms. Sarah Clarke, Legal Counsel (Clarke Child & Family Law)
Ms. Linda Sandy, Chiefs of Ontario

Regrets:

Mr. Keith Conn, Acting Assistant Deputy Minister (FNIHB-ISC)

1. Opening Prayer and Introductions

Mr. Thompson welcomed committee members to the 5th CCCW meeting and Elder Irene Lindsay opened the meeting with a Morning Prayer. A roundtable of introductions was subsequently performed.

2. Review of Agenda

An overview of the agenda was provided. Tabs containing documents corresponding to each agenda items were included in the meeting package. Being a thematic issue, a request was made to address the “Consent Order” following the review of the ROD.

3. Review of Record of Decisions (August 2, 2018)

Participants were given time to review the ROD. Minor editorial and spelling mistakes were identified for correction. All changes were noted and will be amended accordingly. Moving forward, it was requested referring to ISC rather than DISC. In addition, a request was put forth by M. Buist to receive the ROD in advance in order to action and follow up on ICS related deliverables in a timely fashion.

The amended August 2nd, 2018 CCCW Record of Decisions was approved by consensus.

3.1 Review of Action Items deriving from the ROD dated August 2nd, 2018

Mr. Thompson provided an overview of what has been accomplished since the last meeting. While some matters will be addressed under agenda item #7, the following is a progress update on several action items:

- **Dr. Gideon to share the deck on the MC (Memorandum to Cabinet) process:** *Dr. Gideon confirmed sending the critical path through JPOC but will re-distribute it to all the parties. In addition, a deck is being developed in preparation for the central agency meeting on Friday and will be shared with the CCCW once completed.*
- **ADM Wilkinson to provide a breakdown and clarification regarding the allocation of \$1.4B in funding to the Nations, outlining the amount of staff time:** *Ms. Isaak confirmed that \$1M is allocated to Métis. A breakdown of staff time cannot be provided as time spent on a particular issue is not tracked by hours. A relatively small amount of time is assigned towards Métis and Inuit with the vast majority of time being dedicated to addressing First Nations issues. Anticipated requests for services or additional activities that must be undertaken would derive from the current budget. Although the Department is amenable to seek additional monies, it is difficult to determine the feasibility at this point. Ms. Isaak will report back on amounts disbursed for Inuit and Métis related activities. As per the Order, the assumption prevails there be no diversion or diminution in the services of First Nations children.*
- **Ms. Isaak will verify with INAC’s IT department whether the sharing and distribution of documents can be executed through file hosting applications:** *The Department continues to explore these options however it seems unlikely. Ms. Isaak and Dr. Gideon held discussions in an attempt to identify effective strategies to streamline the process and specify one individual tasked to manage the flow of information and become the point of contact. Progress will be reported to the Committee.*

- **Committee members to apprise Ms. Isaak on the preferred option in order for INAC to develop a scheme proportional to the current number of appeals:** *In order to avoid establishing multiple appeals processes, Ms. Isaak recommended adopting an integrated process. While working through the Appeals Process for Jordan's Principle, a refined process for CFS could potentially be developed as well. This matter will warrant further discussion to measure the interest of the group.*
- **Litigation:** *It was confirmed Canada was not named in the litigation brought by First Nations in Manitoba regarding the Child Tax Credit*
- **Jordan's Principle retroactive payments: Mr. Conn will follow up on whether a receipt for the service, along with a note of attestation from medical personnel is required for families that have been previously denied:** *Dr. Gideon will provide a follow up*
- **Mr. Frater was requested to forward the settlement proposal to Mr. Jeff Bickert:** *The proposal was forwarded; however, feedback along with the request for obtaining updates on the Justice internal procedures around disclosure has yet to be received. This is in regards to the obstruction matter.*

4. Consent Order

It is both the Caring Society and AFN's current position that informal agreements around this table are not satisfactory; durability for work undertaken, coupled with legally binding commitment allowing for enforcement actions on the various orders of the Tribunal as of April 1st, 2019 until April 2025 are mandatory. As no other alternative binding mechanism can be suggested, the Consent Order is considered the most viable option. Conversely, the Caring Society would proceed with contested motions before the Tribunal, hence the need for obtaining a response within the next 10 days in order to set dates and ensure corresponding schedules of counsels are respected. In addition, in the event matters such as the compensation issue will be contested, significant testimony and submissions will likely be required and therefore adequate time to review the series of tabled motions must be set aside.

Canada is not in a position to provide a response at this time but confirmed ongoing discussions at the internal level are being convened. Ms. Isaak has taken note of the 10-day deadline and will inform Mr. Frater and further discuss the matter with the client.

Decision Item: *Ms. Isaak to report back to CCCW members via email on a timeline that conversations with Cabinet will be held, their direction, current stages and anticipated outcomes.*

Seeing that no consensus across all the parties has been reached on a number of the orders (i.e.: eligibility question, application across all of the federal services, the shift in the mental health gap analysis), it is difficult to determine whether the Government will agree to the Consent Order taking into consideration concerns raised amongst First Nations leadership. It was stated that the rationale for the specificity on the reforms was in light of Canada's

tendency in January 2016 to interpret the CHRT Order in ways that failed to alleviate the discrimination of First Nations children, whereby the Tribunal subsequently determined this was not a satisfactory way of proceeding. Consequently, an excessively broad order may lead to different interpretations resulting in perpetuating the discrimination, hence the need to strike a balance. Likewise, in the absence of the implementation of the Spirit Bear Plan and an internal system reform, specificity in the Order is paramount in order to judicially review those reforms and ensure government accountability.

Alternate wording reflecting today's discussion will be proposed wherein Dr. Gideon recommended considering a methodology to enshrine components of the Spirit Bear Plan. More critical thinking with regards to the reporting mechanism will be warranted. One participant also recommended exploring other models such as the Commissioner of Official Languages (*e.g.: implementation and the spirit of the OLA*). Dr. Blackstock remarked that should Canada ever decide to pursue a statute for a Children's Commissioner, it must first consult with First Nations as it is neither the AFN nor the Caring Society's role to act as a proxy for these consultations.

Action Item: *Ms. Isaak will reach out to Minister of Families, Children and Social Development Jean-Yves Duclos on this matter*

Action Item: *Dr. Gideon will follow up on the status of the Interim Committee appointed by Minister Bennett to oversee the TRC as it may be better equipped to undertake this initiative, thereby ensuring the children's best interest and allowing this table to specifically deliberate on alternatives to work on*

Next Steps: Recognizing the time constraints, Canada will progressively begin piecing together some of these elements, craft what could potentially be achieved so it can be built upon, identify a bullet of objectives, and from a PR perspective consider substitutive terminology options (*e.g.: renaming it to partnership agreement or settlement*).

Decision Item: *It was requested obtaining a clear statement indicating Canada's willingness, in principle, to establish a consent agreement and to convene discussions with the parties*

HEALTH BREAK

5. Review of CCCW Terms of Reference

It was confirmed the TORs are now finalized and have been included in the meeting package. There were no comments or questions raised.

6. Review of Jordan's Principle

6.1 JPOC TOR Approval:

Committee members attempted to determine whether adopting an operations committee model can be agreed upon. In light of the interlinked layers to JPAT, additional time to review the TORs will be required. Dr. Blackstock requested a reference to the JPAT (*e.g.:*

ongoing discussions around the Memorandum of Cabinet) be included, along with language that amalgamates JPAT to the CCCW, hence resulting in a cohesive document. Additionally, the Summit hosted by AFN will offer an opportunity to provide an educational piece rather than a policy-focused session (*without any decision-making*), and allow for information sharing as well as hearing from some of the families.

Action Item: *A draft will be circulated during which time committee members were requested to forward their position prior to the final approval of the JPOC Terms of Reference at the next CCCW meeting*

6.2 Ordinarily Resident on Reserve:

Dr. Gideon stated that the standard operating procedures have not been updated at this point due to the motive to weigh the outcome of the AFN Executive Committee conversation and review it at this table. As a result, ISC is delaying providing instructions to focal points on questions to ask when receiving requests so they can identify non-registered individuals residing on-reserve. Although the Executive Committee expressed interest and support in the rights holder to determine on-reserve non-Indian status children, no further progress has been made beyond that. This issue will be re-addressed during the upcoming Executive Committee at which time better clarification will be sought in an effort to further these conversations along; however, the real concern centers around off-reserve non-Indian status children and the future bearing. Preliminary conversations have taken place at the regional level and additional time to reflect on this will be required prior to making a concrete statement.

With respect to the Child-First Initiative (CFI), it was stated that several community agreements and tripartite tables on Jordan's Principle in Quebec will end on March 31st, and some of the wording indicates that the implementation will also conclude on March 31st, resulting in confusion at the community-level. As such, it was felt timely for Canada to assure First Nations recipients of these funds that agreements will continue beyond April 1st, 2019. In addition, a review of these tripartite Terms of Reference would be warranted to ensure the implementation phase will remain past that date. Dr. Gideon acknowledged the need to revive the CFI for budget commitment. ISC is currently working towards broadening it to account for the engagement of First Nations and improvement recommendations. This however would not relieve agencies and employers of their obligation under Labour Law to provide sufficient notice. Dr. Blackstock suggested emulating the IFSD model and identifying ways of creating a financial security for these individuals and encouraging employee retention.

Decision Items: *During the conference call with the Centre on Friday, Dr. Gideon will ascertain as to any potential mechanisms, and despite not having the Budget announcement or decision from Cabinet will make a request for having any kind of authority. In the meantime, cases will continue to be reviewed and monitored as best as they can and information on requests/cases received will be shared with the group.*

In addition, Mr. Thompson will contact Chief Kevin Hart to see if he may propose any suggestions.

6.3 Appeals Process:

Dr. Gideon provided a brief overview of the main substantive changes reflected in the draft document. Concerning the Secretariat issue, although a recommendation from the Office of Audit and Evaluation has yet to be received, Dr. Gideon suggested assigning a full time Coordinator function as opposed to an Executive Director.

Committee members shared initial reflections on this and put forth recommendations as followed:

- Under section 1.2 “Initiation of Appeals”, it was requested clearly reflecting throughout the document that a service expenditure denial can either be partial or full. In addition, it must clearly articulate the rationale/ matter of controversy to allow for greater clarity going into the Appeals Process
- On the reporting piece, it was requested identifying a more concrete frequency of reporting. Dr. Gideon concurred and suggested sharing the monthly activity report used for Jordan’s Principle through JPOC or CCCW
- Under section 1.3, clarification on the use of the word “authorized” representative was requested. Accordingly, a footnote clearly outlining and explaining who this encompasses will be included (*i.e.: communication from a family member confirming who will be the designated representative is required*)
- A concern related to the consent age of 16 years old for making a joint principal request was raised as it was felt critical to avoid introducing an element of subjectivity. In addition, one must ensure not to preclude children seeking crisis support (*particularly with mental health*) who may be reluctant to ask their parents or guardian.

Action Item: Ms. Wente volunteered to explore the issue more thoroughly and involve the participation of Sinéad Charbonneau who is considered somewhat of an authority on the subject

- With respect to the classification of cases, it was requested launching an expedited process (*e.g.: 48-hour timeline*) that will enable Canada to identify the urgency of a case and declare to the requestor in order that they be informed of which category they occupy. Dr. Gideon confirmed this can be added when a request for an appeal is submitted. The Appeal Secretariat would then inquire as to the urgency of the case for the requestor (*i.e.: that irremediable harm to the child is reasonably foreseeable*). Dr. Gideon will also obtain the directives from the call centre
- As requested, Ms. Isaak confirmed the ability add content in the recipient guide advising individuals of their right to appeal or accessing redress, and stating that the development of a process is underway
- As requested, wording articulating best interest will be added under section 1.93
- A footnote expanding on the financial stewardship obligations using Treasury Board terminology will be added
- There must be a balance between Canada’s duty to the Financial Administration Act with its sense of duty to the paramountcy of the best interest of children. It was

therefore felt beneficial to instituting a structure that adjudicates this in a manner that supports the children.

- It was requested including the quarterly order on reallocation in the CFS Appeals process to allow communities to bring appeals under this

Overall comments indicated strong support in developing a detailed joint structure with the goal of establishing an integrated process with one streamlined approach, be consistent with the timeframes and reporting, as well as leveraging the same Secretariat and contractors with multi-faceted expertise, recognizing the two distinct procedures. Committee members were invited to put forth a proposal outlining their impression of those shared secretariat functions operating. To allow the work to continue while the appropriate consultations are held, participants were also in principle supportive to start wording some of those RFPs and upon the agreement of the parties, begin their implementation, remaining cognizant that the consultation process is ongoing.

Next Steps: Ms. Isaak has committed to drafting a proposal for the covering piece, as well as adding a section for the CFS Appeals, however it was noted that additional time to ponder on the reallocation piece will be required. In the interim, Dr. Gideon strongly recommended starting the implementation of a more robust Appeals Process under Jordan's Principle so that the above changes raised can be applied. Changes will be made by the end of the week and tabled for either the next meeting or via teleconference prior to the next meeting. Ms. Isaak will also provide her conception of this if implemented by agencies, and the manner to expedite it.

Decision Items: *A revised version of the Appeals Process document will be circulated to group. CFS will share an interim process with the CCCW while attempting to work on the other pieces to avoid any gaps and allow sufficient time to bring in an expert panel on board*

6.4 Mental Health Gap Analysis:

Dr. Gideon discussed the next steps on advancing the suggestion of developing a longitudinal study linked to the ACE methodology as a more effective approach to transmuting the Mental Health Gap Analysis. Dr. Gideon will reach out to Jonathan Dewar, Executive Director of the First Nations Information Governance Centre (FNIGC) to determine if this raises their interest, or if given their Strategic Plan, their assistance can be solicited. Other options could entail having conversations with Dr. Carrie Bourassa, Chair of Northern & Indigenous Health at the Health Sciences North Research Institute in Sudbury, as well as contacting the Institute of Indigenous Peoples' Health (IIPH) who may be able to assist in assembling a suggested research team. Alternatively, the Canadian Institute of Health Research could also be approached to conduct directed research investment and work with a cohort of researchers. In both cases, an assembly resolution to obtain support on a national level will be warranted.

Dr. Gideon volunteered to begin the process of establishing these measures and designing a plan outlining steps to be undertaken. Also as requested, she will contact FNIGC to determine if they're prepared to share information on their ethics procedure. It was stated that they operate under a community-based Ethics Review Board process and have a

Research Ethics Code along with an OCAP policy implementation. In an effort to keep the Tribunal fully informed, Dr. Blackstock requested that some type of letter stating that a review of the Mental Health Gap Analysis was undertaken be developed. The letter should outline that this is not viewed as a satisfactory document and following a review and discussions, the alternative plan discussed earlier will be put forth.

Action Item: *Dr. Gideon will set up a conference call with FNIGC and inviting Dr. Blackstock to further discuss the matter. Failing that, Dr. Gideon will contact Dr. Carrie Bourassa*

6.5 Training:

A draft TORs was developed for an Advisory Committee for the CCCW's consideration. The list of experts and those who have expressed interest was circulated and Dr. Gideon provided a brief update on the progress report and mentioned that individuals that have not responded by the end of the week will be re-contacted. Dr. Amy Bombay has a contract in place to begin the webinar process. Dr. Karen Isaac was contacted and Dr. Gideon will follow up on whether a response was received. Following a conference call held yesterday, Charlene Bearhead has expressed interest in sitting on the Advisory Committee contingent on her schedule. She expressed interest in assisting with some of the content development. Dr. Margaret Kovach has agreed to become part of the Advisory Committee. While Dr. Kent Saylor expressed great interest, his schedule does not permit it. As an additional resource, it was recommended contacting Mr. James Heckman (*from the University of Chicago and awarded the Nobel Prize in Economics*) to act as an advisor to the Committee in light of his core expertise on the economics of child development. The objective will be to set up an introductory call by the end of September to initiate the development of a workplan and timelines.

Decision Items: *CCCW members were requested to forward any comments on the draft TORs to Dr. Gideon's attention. It was also agreed sharing the draft with the experts contacted to obtain their insights. A revised draft will be provided to the CCCW at the next meeting*

HEALTH BREAK

7. ISC Updates

7.1 FNCFS Capital Needs:

In response to some of the questions raised on Capital Needs at the last meeting, it was determined there is a gap in the existing infrastructure authorities, which can be addressed by simply amending the Terms and Conditions. Although FNIHB has authority for major capital reserves, they have been narrowed down over the years and are specific to health centres, thereby failing to include a social service agency infrastructure, as well as the fairly onerous process around infrastructure. ISC continues to map its work to identify which agencies are owned and those leasing space, which can be either on or off-reserve where a series of different scenarios exist and different arrangements made.

With respect to the minor capital, that specific authority was rescinded in 2007 during which time Treasury Board stated that every program must create their respective

authority. The former INAC simply adopted the \$1.5M as a minor capital threshold, with a few programs having increased it. It's not clear as to exactly when that amount came into force. It was unanimously agreed this amount will not meet the actual needs for new facility and was strongly recommended for ISC to look into the Land Management approach as a guideline. It was reminded that there are 2 kinds of capital needs: space requirements and life of the building (e.g.: *need for engineers, facility condition etc.*)

As an interim step, Ms. Isaak raised the possibility of developing new authorities and subsequently setting an assessment process to determine what fits within minor or major capital, and ascertain which agency requires significant and imminent work to be undertaken. In the near future, she also urged the need that a capital needs assessment of all agencies be performed to have a better understanding and comprehensive picture of current and projected costs. In the longer term, more intervention and concrete information as to what the actual needs of agencies are will be required, thus the need to consult with IFSD.

Decision Items: *Once ISC has obtained final verification and upon the Minister's approval, Ms. Isaak will propose new language that accounts for these new provisions on capital for inclusion in the Terms and Conditions and circulate them to the group. ISC will also determine whether an inflation adjustment using the Bank of Canada Inflation calculator can be applied, which would assist in restoring the purchasing power*

7.2 CWJI:

A draft of the guidelines, along with the state of advancement on regional discussions at the local level around CWJI funding allocation within the regions was submitted. The objective was to keep the guidelines quite general and avoid a proposal-based process and communities are welcome to use the template. ISC is attempting to provide enhanced flexibility by emphasizing the need for regional tables to become the driving force in identifying the focus and targeted areas of this funding. As a multi-year proposal, it is not intended to replace current funding but rather to support new initiatives, promote innovation, community interventions and ultimately increase the level of service for children. To avoid any confusion, it was requested the Department's position be clearly articulated. To ensure alignment, the terminology in the Terms and Conditions will be amended accordingly.

It was also suggested for the Government of Canada to consult with the Circle of Philanthropy with regard to systems of funding due to their ability to use effective practices without creating bureaucratic arrangements, while still ensuring financial accountability. Ms. Isaak noted that CFS is shifting its funding from the provincially delegated model towards the First Nations created jurisdictional model.

Decision Item: *Committee members were requested to provide comments by September 7th; however should additional time to consult with communities be required, please inform Ms. Isaak. The guidelines will be officially released once comments have been received and incorporated*

Decision Item: *It was also requested obtaining the minutes of meetings/consultations held at the regional level. Ms. Isaak will follow up to see if any minutes were drafted, but as preliminary discussions there may not be any record of decision*

7.3 Downward Adjustment:

A calculation of the downward threshold for the period of January 2016 to March 2018 was performed, which tallied to \$29.6 million. Smaller agencies have been fairly compliant in forwarding their claims, however the Department lacks the level of granularity to assess some retroactive claims and determine those related to retroactive salary claims. Canada confirmed its willingness to offer the retroactive salary payments for agencies in all areas for all salaries in accordance with provincial standards. As for costs incurred (*e.g.: hiring a contractor*), with the absence of concrete evidence from the agency that the cost existed, it may pose some challenges and can be attributed to a compensation issue rather than a retroactive cost.

Decision Items: *As requested, Ms. Isaak will develop something in writing describing the operationalization phase and clearly identifying expenses eligible for claim. In addition, it was requested identifying a process that enables individuals to claim exceptional expenses as a loss not covered under their salary*

ISC continues to work with CRA and ESDC on the Child Special Allowance and as part of the Consent Order, additional language around that can be provided. With each province operating differently with distinct policies and potential legislative options to deal with it, the Department continues to monitor each province independently to avoid any claw back actions. As the information is gathered, the draft will then be shared with the CCCW. CRA's position on this matter is unclear at this time. M. Buist confirmed the goal is to develop a draft policy this fall (*i.e.: a month from now*)

7.4 Remoteness Quotient:

An electronic copy of the Casino Rama Executive Summary was previously circulated. Ms. Matthews provided a detailed summary of the interim report, which underlined preliminary estimates of the child welfare remoteness quotient for communities in each of the three NAN Indigenous agencies and discussed how it has been used since its development and driven decisions in the past few months. The allocation method primarily focused on the Casino Rama Formula (*an Ontario gaming formula*), and explored factors affecting how immediate relief funds should be allocated. This funding allocation fails to capture factors driving the needs and costs of child prevention services for many communities. Since the final report is not yet completed, only an update will be presented to the Tribunal tomorrow.

Committee members provided insights and put forth recommendations as followed:

- In the final report to the Tribunal, it was requested providing clarification on the Intervener and inform the Tribunal that this issue will remain for other First Nations across the country

- The RQ does not take into account the actual needs (*i.e.: remote communities*) and therefore the formula used continues to discriminate against everyone in Ontario
- It was the understanding that RQ funds would be over and above any funds presently allocated to Ontario; therefore funds cannot be as they are currently inadequate and also detract from the rest of Ontario First Nations as well as the base of the NAN First Nations
- In the event that the 5 big remote communities (NAN or otherwise) are under funding pressure due to an inadequate formula designed for a different purpose, the Tribunal stated a number of times to steer away from that methodology
- It is Canada's position that a new needs basis funding formula is required, recognizing that costs associated with remote communities tend to be higher
- Given that the collected data is limited to NAN and specific to Ontario, without forestalling any progress in other areas specific to NAN or Ontario, it was recommended a national consultation on the remoteness factors be undertaken
- ISC has been very clear in its position to support a formula that is transportable across the country with individual costing factors, region by region that can be accounted for. However comments indicated that it may not serve the rest of Canada, and developing a formula that isn't based on national data or national consultation raises great concern
- Immediate action for a national data collection strategy on remoteness is needed in order to inform discussions in other areas

Next Steps: It was recommended holding a discussion to contemplate a broader national scoping exercise for remoteness quotient. There is a need to either support IFSD or the contractor and to emphasize the importance of the work, which must be incorporated to any formula or an overlay of unfinished business. It is the direction from this table that the work must occur concordantly with the completion of NAN's work while exploring options that would complement both initiatives.

Decision Item: *Ms. Isaak will reach out to IFSD. Mr. Orr will forward the link of monthly update provided by IFSD, which can also be found on their website*

7.5 Terms and Conditions (Update):

Minor editorial comments that were put forth by Treasury Board were identified and have been reflected. CFS will forward a letter to the Caring Society and all the other parties highlighting which comments provided in the past were not accepted. With no further substantive comments anticipated by Treasury Board, this will become part of the final submission. It was noted that feedback from the agencies indicated not enough time was provided when submitted in light of several EDs being on holidays, herefore time available was inadequate to conduct proper consultations. Agencies have also requested clarity on the process that will be undertaken for responding to feedback received. Ms. Isaak confirmed that if not done already, comments forwarded by agencies will be responded to.

Decision Item: *Agencies and NAN were requested to forward any comments/feedback on the Terms and Conditions by the end of the month (*i.e.: September 28th*) to Ms. Isaak's attention so they can be integrated*

In terms of a timeline for undertaking the review of the Terms and Conditions to ensure all matters that have been raised are included (*e.g.: the issue of off-reserve, capital needs, agency provision, lack of recognition of jurisdiction etc.*), also allow Agencies to immediately begin discussions on processes within their organization, and ascertain a timeframe for anticipating relief, Ms. Isaak stated that while it's difficult to provide an exact date, once the report from IFSD on their preliminary findings for alternative funding arrangement in the fall is received, the Department will determine whether it can be agreed upon. The Terms and Conditions would then be altered to reflect this, along with the consultation process around it.

Decision Items: *As a starting point, ISC was requested to reflect on and clearly articulate in a letter the information required to expand elements identified in the Terms and Conditions that can be immediately advanced without the IFSD report, or identify which mechanisms to access. For transparency sake, the letter will also be submitted to agencies*

LUNCH BREAK

8. Compensation Issue

Without a response from Canada, the Committee was unable to engage in fulsome discussions on the issue of cases subject to compensation. A 1-pager document was circulated for review, which outlined the methodology to determine the representation/number of children in care using existing valid data and infer a proxy for the previous year. In the absence of information, Ms. Isaak requested feedback on the previous recommendation put forth by Rob Frater during a conference call held on August 1st regarding Canada's willingness to set up a fund. Comments from participants indicated the need for that broader piece (*particularly related to whether Jordan's Principle will be included in these claims*) before delving into the methodology on how to best package this. AFN will consider the option and report back; overall, it is AFN's position that anyone who has come forward, including those who were unable due to lack of opportunity, those who sought alternate services on their own or individuals requiring immediate needs that were not addressed and denied should be compensated. Canada was encouraged to refer to the Human Rights Damage Awards; (*as it extends beyond the compensatory aspect for individuals who suffered a financial loss as it also encompasses injury to dignity, the pain and suffering element as a result of discriminatory practices*)

A request was made to obtain data on the length of time children coming into care as this would factor in to the hardship experienced. Ms. Isaak confirmed being able to provide this information with some level of certainty for the years 2013/2014 and subsequent. However, prior to that would be based on assumptions which would be deduced on a continuum of accuracy that is unreliable.

Action Item: *ISC will report back ASAP to the Committee regarding the possibility towards negotiating a settlement, including providing any partial information or responses*

Lastly, Dr. Blackstock made reference to the tragic case of a family which resulted in the death of a child that should be closely examined and followed up with a letter at the DM's office level.

***Decision Item:** Ms. Isaak made note of it and will look at what kind of process (in a non-financial but meaningful way) can be established as a Department and in the spirit of reconciliation to express apologies for situations such as this, but that also acknowledges and accepts responsibility, as well as demonstrates edification*

9. Future Meeting Date

October 23rd was proposed as tentative date to set aside for the next CCCW meeting (full day)

Meeting Adjournment

Elder Lindsay closed the meeting with a final prayer. The CCCW meeting adjourned at 3:34 p.m.

This is **Exhibit " U "** to the Affidavit
of **Anne Scotton** sworn before me at
Thunder Bay on
the 12th day of February, **2020**.

Jennifer Anne Genereux-Gernat

A Commissioner for taking Affidavits

Jennifer Anne Genereux-Gernat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development.
Expires April 24, 2020.

Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
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Assemblée des Premières Nations

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www.afn.ca

April 3, 2018

Paula Isaak
Assistant Deputy Minister
Department of Indigenous Services Canada
10 Wellington Street, 23rd Floor
GATINEAU QC. K1A 0H4

Dear Ms. Isaak:

The Assembly of First Nations (AFN) is requesting funds in the amount of \$2,091,961.55 to contract the work of the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa on the project *Analyzing First Nations Child and Family Services (FNCFS) Agency Needs*. This project will be completed by the IFSD in partnership with the AFN and the National Advisory Committee on First Nations Child and Family Services Program Reform (NAC).

The purpose of contracting the IFSD is to analyze and report on the needs described by First Nations child and family services agencies in the needs assessments. This work is in alignment with the Government of Canada's requirement to fulfill the Orders of the Canadian Human Rights Tribunal (CHRT) on Canada's discrimination in the First Nations child and family services program.

Please find attached to this cover letter the IFSD's *Analyzing First Nations Child and Family Services (FNCFS) Agency Needs* project proposal, engagement budget, and explanatory note. Should you wish to discuss this proposal, please contact Jonathan Thompson, Director of Social Development, at 613-241-6789 ext. 235.

Respectfully,


Dr. Paulette Tremblay, PhD, ICD.D, CAPA
Chief Executive Officer

Encl.

Head Office/Siège Social

Unit 5 —167 Akwesasne International Rd., Akwesasne, ON K6H 5R7 Telephone: 613-932-0410 Fax: 613-932-0415
Suite no 5 —167, chemin Akwesasne International, Akwesasne (ON) K6H 5R7 Téléphone: 613-932-0410 Télécopieur: 613-932-0415

Project Plan
Analyzing First Nations Child and Family Services (FNCFS) Agency Needs

Context

The Canadian Human Rights Tribunal (CHRT), in its January 2016 decision and subsequent rulings, has found that Canada has used a discriminatory funding approach for FNCFS agencies. Canada states it is committed to implementing these orders.

In support of Canada's efforts to develop an alternative system to fund First Nations child and family services, Indigenous Services Canada requires the services of a funding/technical and research expert with knowledge of Indigenous issues, and Indigenous practices with respect to data collection and Indigenous intellectual property as well as child and family services.

Purpose

Our understanding of your needs suggests that the purpose of this project is to develop reliable data collection, analysis and reporting methodology for analyzing the needs of FNCFS Agencies. Specifically, this project will support the implementation of the following orders:

- 1) Work with experts to develop a reliable data collection, analysis and reporting methodology, as well as ethical research guidelines for analyzing the needs of First Nations Agencies (Order defined in par. 421);
- 2) Canada is accountable for analyzing the needs assessments and undertake a cost-analysis of the needs of agencies, in consultation with the parties and other experts (Orders defined in pars. 408 and 418).

If selected as the Contractor, the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa will provide technical expertise to analyze agency needs, will provide strategic advice on how to best monitor and respond to actual agency needs from fiscal and governance perspectives, with an approach informed by understanding, existing research, and analysis of assessments done by agencies and communities.

The IFSD will engage with the Assembly of First Nations (AFN) as the project contract holder.

Guiding questions

- 1) What are agencies' needs in *protection* (e.g. intake and investigation, least disruptive measures (secondary, tertiary prevention and family case conferencing)), *prevention* (e.g. child purchase amount and primary prevention needs (public education, early childhood interventions etc.)), *operations* (e.g. salaries, legal fees related to child welfare), *capital* (e.g. building repairs, vehicles, information technology), and *governance/reporting*?
- 2) What are the gaps between the current and desired states of agencies?

- 3) What are the funding requirements to support these agencies at the desired state (i.e. cost analysis)?
- 4) How can agencies' defined needs and their costs be translated into a new vision for First Nations child and family services, that focuses on leveraging cultural approaches and best evidence to support healthy families and communities and ensure the best interests of children?
- 5) How can agencies establish performance measures and conduct evaluations that promote organizational learning and development?

Methodology

As an affiliate of the University of Ottawa, IFSD is guided by ethical research guidelines respecting Indigenous peoples, the project will follow the Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans and OCAP principles in all of its work.

This means that IFSD will be subject to the University of Ottawa's ethics board review per the Tri-Council Policy Statements on Ethical Conduct for Research involving Humans.

Part 1: Needs assessments

Defining needs in a way that articulates the problem and performance objectives will drive design, governance, reporting, and implementation strategies.

- 1) Propose categories of agency activities in table form. Seek approval of table from stakeholders during April 2018 workshop at IFSD. This portion of the project will seek consensus to define elements of a desired future state for First Nations child welfare. Proposed global indicators include:

- a. Protection
- b. Prevention
- c. Operations
- d. Capital
- e. Governance/reporting
 - i. Policy development capacity
 - ii. Organizational evaluation and learning
 - iii. Community communication and engagement

The proposed indicators are intended to enable agencies to define their needs on an activity basis and to facilitate the costing of these needs (i.e. desired outcomes) and initiatives in Phase 3. This part of the project will invite agencies to present their desired or normative state of operations, including multi-year funding structures to support long-term planning and program sustainability.

- 2) Analyze existing needs assessments undertaken by agencies and communities. Any gaps in data will be identified and filled by liaising directly with agencies or more granular research will be undertaken as required to support robust program design, effective governance, reporting and sustainable implementation strategies.

- 3) Leverage results of NAC-IFSD First Nations agency surveys to develop typology of agencies based on mandates, size, and needs.

NOTE: IFSD will produce monthly updates to communicate project progress and interim results to the project's stakeholders. These written updates (submitted via email and potentially posted on the project website) can be supplemented with briefings to interested parties by IFSD.

Part 2: Baseline definition and gap analysis

- 1) Define current baseline of agency *resource inputs* (i.e. financial, human resources (including regular working hours, and those supplementary hours worked without pay) budgets and *outputs* (i.e. activities). Design a survey to assess agency baseline indicators. Test the survey with agencies in different regions and of different sizes (based on NAC-IFSD survey research on agency characteristics).
Note: A more granular assessment of the current state can be undertaken by IFSD with agency/community visits. Having built existing research partnerships with various jurisdictions, IFSD understands the challenges and importance of building trust, and co-developing research approaches with agencies and members of their communities. Establishing a clear current baseline across inputs, outputs, and outcomes will be paramount to defining the gap between the current and desired state of agencies.
- 2) Review results from Phase 1. Scrub data and prepare for program-level bottom-up costing, based on aggregated agency needs data for each type of agency.
- 3) Define detailed costing procedure and sources of actual cost data from agencies. Consider factors (beyond those defined in the needs assessment in Part 1) such as:
 - a. Cross-agency collaborations on items such as peer support, professional development, communications, etc.
 - b. Lost purchasing power related to the lack/insufficiency of inflation adjustments in Directive 20-1 and EPFA
 - c. Identify extraordinary cost items that may require the establishment of national or regional pools such as liability costs, natural disaster contingencies, community emergency response contingencies)
- 4) Identify any missing data or other required analytic elements before proceeding with costing.

Part 3: Cost analysis

- 1) For each type of agency (defined in Part 1), cost agency needs by leveraging actual cost data. Costing will be undertaken on an indicator-basis (protection, prevention, operations, capital, governance/reporting), with line-items generated based on agency needs assessments.
- 2) Produce an overview of the costing exercise by agency type (for projections, cost analysis will include inflation).
- 3) Seek acceptance of findings during stakeholder workshop at IFSD in September 2018.

Phase 4: Final reports

- 1) Produce an initial assessment of findings:
 - a. Cost analysis (by agency type)
 - b. What does the agency organization have to look like to close the gap between the desired and current state?
 - c. What procedure can be integrated for monitoring on-going agency and governance across inputs, outputs and outcomes?
- 2) Present report to stakeholders for feedback.
- 3) Allow for minor corrections or minor revisions to report based on stakeholder feedback.
- 4) The final report will make recommendations for DISC in pursuit of reforms to support a new funding approach, that promote long term planning and program sustainability (i.e.: multi-year funding, avoiding reliance on proposal-based projects).

Timelines and deliverables

See Annex A

NOTE: Timelines are indicative and subject to the pace of data availability and acquisition commensurate with the needs and resources of the project. Based on previous experience, acquiring sufficient and reliable data is critical to establishing a strong foundation for subsequent stages of the project including the development of a forward strategy for First Nations child welfare. Data collection should be considered an ongoing exercise in continual improvement.

Data sources

This work is to build on the extensive body of previous research in this area, including (but not limited to):

- Bridging Econometrics with First Nations Child and Family Services (Joint National Policy Review of First Nations Child and Family Services);
- Wen:de: We are Coming to the Light of Day;
- Wen:de: The Journey Continues;
- Decision and Orders of the Canadian Human Rights Tribunal;
- Phase 1 of the Remoteness Quotient research;
- Auditor General of Canada Reports (2008, 2011);
- NAC-IFSD survey of First Nations child welfare agencies;
- Existing agency and community needs assessments;
- Data requested from Indigenous Services Canada;
- National Advisory Committee Interim Report (2018);
- Other publicly available data and research relevant to the project.



Future research directions

It is expected that this research project will inform a new program architecture for funding First Nations child welfare and inform the following questions:

- 1) To what degree have agencies been supported to design culturally appropriate long-term plans for the communities they serve? If agencies were supported, how were they funded and at what rate (\$)? How was the implementation of existing plans supported in an evolving community context? For those agencies that did not have support, what inputs and implementation supports would be required to produce a long-term plan and implement it?
- 2) What are the primary current cost drivers for agencies in the areas of operations, protection, and prevention?
- 3) What are the costs associated with culturally based child welfare policy and program development and evaluation?
- 4) What are the most significant spending areas in agency budgets?
- 5) Are most agencies in surplus or deficit statuses?
- 6) How should “prevention” be defined? How should agencies define their prevention services? How can agencies foster a greater community role in providing well-being and prevention services? To what degree is effective prevention related to a need for equity in other federally funded services? How can prevention services be structured to ensure effective program development and sustainable operations?
- 7) How can funding be delivered in a way that enables agencies to be responsive to the unique needs of First Nations children, youth, families and communities?
- 8) What data architecture should be in place to identify and track the needs of First Nations child welfare agencies? What data architecture can agencies use to track the needs of their communities? What supports are needed for agencies to set community based performance measures and institute regular evaluations to enhance organizational learning?
- 9) What governance arrangements would support the achievement of agreed outcomes for First Nations child well-being? Would the governance arrangements differ based on agency type/characteristics? How does each governance arrangement define accountability, reporting, and evaluation (based on key performance indicators)?
- 10) What are appropriate models to forecast future agency needs for technology, infrastructure, administration and travel costs?



- 11) What are the core administrative staffing and related requirements of small agencies?
How are these different than larger agencies or multi-site agencies?

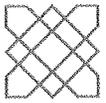
- 12) What is the minimum size of agency and related population consistent with good social work practice to ensure the adequate provision of protection and prevention services based on community needs? What supports can be provided to First Nations communities without a First Nations agency regardless of population (e.g. primary prevention resources)?



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Deliverable		Description		Accountability & resources		Deadline	
Phase 1							
Approved project plan		– Client approves project plan and timelines		IFSD		April 5, 2018	
Ethics reviews		– Submit ethics review to the University of Ottawa Research Ethics Board and to any First Nations communities as needed		IFSD		April 15, 2018	
Analysis of existing needs assessment		– Evaluate content of agency needs assessment collected by DISC		IFSD		April 15, 2018	
		– Release public letter (addressed to Caring Society, AFN, and DISC) noting relevant data from the needs assessments and any gaps, given the diversity of the cost submissions and narratives					
Indicators table and survey design		– Define needs indicators that will inform needs analysis and costing exercise		IFSD in consultation with client		May 15, 2018	
		– Needs indicators will serve as cost categories					
		– Prepopulate indicators (or request where not public available) to capture contextual data including special considerations for child need, agency demographics, community demographics, etc.					
Workshop #1		– Convene stakeholders to seek approval and agreement of indicators table		IFSD in consultation with AFN, NAC, Caring Society		May 2018 (date TBC)	
Analysis of existing assessments		– Collect and analyze existing agency and community assessments to inform needs analysis		IFSD in consultation with agencies and communities (as required)		July 31, 2018	
		– Liaise directly with agencies to fill any data gaps					
		– Are there needs trends in agencies based on characteristics such as mandate, region, size, etc.?					
Phase 2							

Gap analysis	<ul style="list-style-type: none"> – Undertake a deep-dive analysis of current agency cost data across Canada – Define current baseline budget and cost information for agencies based on agency consultation visits – Produce costing procedure plan and approve with client 	IFSD	September 30, 2018
Define costing procedure	<ul style="list-style-type: none"> – Using NAC-IFSD survey data, cluster agencies into characteristic-based typologies – Seek client approval of agency typologies – Prepare to produce aggregate costing based on agency typology 	IFSD in consultation with client	
Cluster agencies based on typology	<ul style="list-style-type: none"> – Confirm access and availability of all costing-related data 	IFSD in consultation with client	
Define and fill data gaps prior to costing		IFSD	
Phase 3			
Costing assessment table	<ul style="list-style-type: none"> – Produce costing assessment based on agency typology – Present in table form based on needs indicators 	IFSD	October 31, 2018
Draft findings	<ul style="list-style-type: none"> – Produce draft report on high-level findings of costing – Review results with client 	IFSD in consultation with client	October 31, 2018
Workshop #2	<ul style="list-style-type: none"> – Convene stakeholders to seek approval of costing findings – Discuss paths forward for the development of a new program architecture for First Nations child welfare 	IFSD in consultation with AFN, NAC, Caring Society	November 2, 2018
Phase 4			
Final report	<ul style="list-style-type: none"> – Leverage project and related analysis to respond to research questions in “Future research directions” section of project plan – Align needs and costing assessments to way forward for improved outcomes in First Nations child welfare 	IFSD	November 15, 2018



IFSD
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Stakeholder feedback	<ul style="list-style-type: none">– Review final report with client for feedback– Share final report with stakeholders for feedback– Allow for minor revisions and minor adjustments to final report	IFSD in consultation with client and stakeholders	November 15, 2018
Project completed			



Engagement Budget

Analyzing First Nations Child and Family Services (FNCFS) Agency Needs
 March 2018-December 2018 (or March 2019)

Consulting Rates	Days	Rate	
Kevin Page	50	\$ 2,000	\$ 100,000
Sahir Khan	50	\$ 1,900	\$ 95,000
Helaina Gaspard	210	\$ 1,500	\$ 315,000
Azfar Ali Khan	25	\$ 1,500	\$ 37,500
Janoah Willisie	252	\$ 500	\$ 126,000
			\$ 673,500
Project Manager/Comptroller	130	\$ 500	\$ 65,000
Research Assistant	252		\$ 30,000
Research Assistant	252		\$ 30,000
Research Assistant	252		\$ 30,000
Research Assistant	252		\$ 30,000
Senior Analyst	252	\$ 500	\$ 120,000
Expert Advisory services			\$ 130,000
Agency regional experts/champions			\$ 330,000
			\$ 765,000
Subtotal fees			\$1,438,500.00
Air Travel			
Round trip cost per flight (domestic)	\$ 1,600		
Number of Trips (two per moth, May-August)	16		
Team size for each trip	3		
Subtotal air travel			\$ 76,800.00
Lodging			
Hotel (with Tax)	\$ 230	\$ 66,240	
Per Diem	\$ 104	\$ 29,952	
Nights per Trip	6		
Travel Days in 2016/17	288		
Subtotal lodging and per diem			\$ 96,192.00
Workshops			
Workshop #1 (National, 35 participants)			
Hospitality	\$ 220	\$ 7,700	
Speaker travel, three speakers (air travel + two nights hotel + per diem)	\$ 7,686	\$ 23,058	
AV support		\$ 5,000	
Miscellaneous		\$ 3,000	
Workshop #2 (National, 35 participants)			
Hospitality	\$ 220	\$ 7,700	
Speaker travel, three speakers (air travel (\$1,500) + three nights hotel (\$250) + three per diems (\$104))	\$ 7,686	\$ 23,058	
AV support		\$ 5,000	
Miscellaneous		\$ 3,000	
Regional Workshops (average, one per province, approximately 40 people)			
Hospitality	\$ 2,000	\$ 20,000	
AV support	\$ 500	\$ 5,000	
Miscellaneous	\$ 1,000	\$ 10,000	
Subtotal workshops			\$ 112,516.00
IT Resources			
Project website (incl. design and setup)	\$ 15,000	\$ 15,000	
Monthly website fees	\$ 10,848	\$ 10,848	
Requirements and scoping of software for results tracking, measurement and reporting		113,000	
Subtotal IT resources			\$ 138,848.00
Subtotal			\$ 1,862,856.00
Assembly of First Nations (AFN) administration fee	2%	\$ 37,257.12	
HST (on IFSD and AFN fees only)		\$ 191,848.43	
TOTAL COSTS			\$2,091,961.55

Notes

Rates consistent with previous projects for various national, sub-national, and international governments and organizations. *Discussion required on how IFSD employee time will be counted.*

Including travel, honorariums
 Travel and accommodation costs for agency representatives at \$3,000 per agency

All travel pursuant to National Joint Council (NJC) guidelines

CAUBO preferred rates used whenever possible
 All per diems pursuant to NJC guidelines

This first phase of the software development process, includes: needs definition, software requirements and development of a wire frame (i.e. visual mock-up). The second potential phase of the software component is beyond the scope of this current proposal but would include, among other things, the architecting, development and implementation of a software solution.

Project Plan
Analyzing First Nations Child and Family Services (FNCFS) Agency Needs

Context

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Purpose

Our understanding of your needs suggests that the purpose of this project is to develop reliable data collection, analysis and reporting methodology for analyzing the needs of FNCFS Agencies. Specifically, this project will support the implementation of the following orders:

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If selected as the Contractor, the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa will provide technical expertise to analyze agency needs, will provide strategic advice on how to best monitor and respond to actual agency needs from fiscal and governance perspectives, with an approach informed by understanding, existing research, and analysis of assessments done by agencies and communities.

The IFSD will engage with the Assembly of First Nations (AFN) as the project contract holder.

Guiding questions

- 1) What are agencies' needs in *protection* (e.g. intake and investigation, least disruptive measures (secondary, tertiary prevention and family case conferencing)), *prevention* (e.g. child purchase amount and primary prevention needs (public education, early childhood interventions etc.)), *operations* (e.g. salaries, legal fees related to child welfare), *capital* (e.g. building repairs, vehicles, information technology), and *governance/reporting*?
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- 5) How can agencies establish performance measures and conduct evaluations that promote organizational learning and development?

Methodology

As an affiliate of the University of Ottawa, IFSD is guided by ethical research guidelines respecting Indigenous peoples, the project will follow the Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans and OCAP principles in all of its work.

This means that IFSD will be subject to the University of Ottawa's ethics board review per the Tri-Council Policy Statements on Ethical Conduct for Research involving Humans.

Part 1: Needs assessments

Defining needs in a way that articulates the problem and performance objectives will drive design, governance, reporting, and implementation strategies.

- 1) Propose categories of agency activities in table form. Seek approval of table from stakeholders during April 2018 workshop at IFSD. This portion of the project will seek consensus to define elements of a desired future state for First Nations child welfare. Proposed global indicators include:
 - a. Protection
 - b. Prevention
 - c. Operations
 - d. Capital
 - e. Governance/reporting
 - i. Policy development capacity
 - ii. Organizational evaluation and learning
 - iii. Community communication and engagement

The proposed indicators are intended to enable agencies to define their needs on an activity basis and to facilitate the costing of these needs (i.e. desired outcomes) and initiatives in Phase 3. This part of the project will invite agencies to present their desired or normative state of operations, including multi-year funding structures to support long-term planning and program sustainability.
- 2) Analyze existing needs assessments undertaken by agencies and communities. Any gaps in data will be identified and filled by liaising directly with agencies or more granular research will be undertaken as required to support robust program design, effective governance, reporting and sustainable implementation strategies.

- 3) Leverage results of NAC-IFSD First Nations agency surveys to develop typology of agencies based on mandates, size, and needs.

NOTE: IFSD will produce monthly updates to communicate project progress and interim results to the project's stakeholders. These written updates (submitted via email and potentially posted on the project website) can be supplemented with briefings to interested parties by IFSD.

Part 2: Baseline definition and gap analysis

- 1) Define current baseline of agency *resource inputs* (i.e. financial, human resources (including regular working hours, and those supplementary hours worked without pay) budgets and *outputs* (i.e. activities). Design a survey to assess agency baseline indicators. Test the survey with agencies in different regions and of different sizes (based on NAC-IFSD survey research on agency characteristics).

Note: A more granular assessment of the current state can be undertaken by IFSD with agency/community visits. Having built existing research partnerships with various jurisdictions, IFSD understands the challenges and importance of building trust, and co-developing research approaches with agencies and members of their communities. Establishing a clear current baseline across inputs, outputs, and outcomes will be paramount to defining the gap between the current and desired state of agencies.

- 2) Review results from Phase 1. Scrub data and prepare for program-level bottom-up costing, based on aggregated agency needs data for each type of agency.
- 3) Define detailed costing procedure and sources of actual cost data from agencies. Consider factors (beyond those defined in the needs assessment in Part 1) such as:
 - a. Cross-agency collaborations on items such as peer support, professional development, communications, etc.
 - b. Lost purchasing power related to the lack/insufficiency of inflation adjustments in Directive 20-1 and EPFA
 - c. Identify extraordinary cost items that may require the establishment of national or regional pools such as liability costs, natural disaster contingencies, community emergency response contingencies)
- 4) Identify any missing data or other required analytic elements before proceeding with costing.

Part 3: Cost analysis

- 1) For each type of agency (defined in Part 1), cost agency needs by leveraging actual cost data. Costing will be undertaken on an indicator-basis (protection, prevention, operations, capital, governance/reporting), with line-items generated based on agency needs assessments.
- 2) Produce an overview of the costing exercise by agency type (for projections, cost analysis will include inflation).
- 3) Seek acceptance of findings during stakeholder workshop at IFSD in September 2018.

Phase 4: Final reports

- 1) Produce an initial assessment of findings:
 - a. Cost analysis (by agency type)
 - b. What does the agency organization have to look like to close the gap between the desired and current state?
 - c. What procedure can be integrated for monitoring on-going agency and governance across inputs, outputs and outcomes?
- 2) Present report to stakeholders for feedback.
- 3) Allow for minor corrections or minor revisions to report based on stakeholder feedback.
- 4) The final report will make recommendations for DISC in pursuit of reforms to support a new funding approach, that promote long term planning and program sustainability (i.e.: multi-year funding, avoiding reliance on proposal-based projects).

Timelines and deliverables

See Annex A

NOTE: Timelines are indicative and subject to the pace of data availability and acquisition commensurate with the needs and resources of the project. Based on previous experience, acquiring sufficient and reliable data is critical to establishing a strong foundation for subsequent stages of the project including the development of a forward strategy for First Nations child welfare. Data collection should be considered an ongoing exercise in continual improvement.

Data sources

This work is to build on the extensive body of previous research in this area, including (but not limited to):

- Bridging Econometrics with First Nations Child and Family Services (Joint National Policy Review of First Nations Child and Family Services);
- Wen:de: We are Coming to the Light of Day;
- Wen:de: The Journey Continues;
- Decision and Orders of the Canadian Human Rights Tribunal;
- Phase 1 of the Remoteness Quotient research;
- Auditor General of Canada Reports (2008, 2011);
- NAC-IFSD survey of First Nations child welfare agencies;
- Existing agency and community needs assessments;
- Data requested from Indigenous Services Canada;
- National Advisory Committee Interim Report (2018);
- Other publicly available data and research relevant to the project.



Future research directions

It is expected that this research project will inform a new program architecture for funding First Nations child welfare and inform the following questions:

- 1) To what degree have agencies been supported to design culturally appropriate long-term plans for the communities they serve? If agencies were supported, how were they funded and at what rate (\$)? How was the implementation of existing plans supported in an evolving community context? For those agencies that did not have support, what inputs and implementation supports would be required to produce a long-term plan and implement it?
- 2) What are the primary current cost drivers for agencies in the areas of operations, protection, and prevention?
- 3) What are the costs associated with culturally based child welfare policy and program development and evaluation?
- 4) What are the most significant spending areas in agency budgets?
- 5) Are most agencies in surplus or deficit statuses?
- 6) How should “prevention” be defined? How should agencies define their prevention services? How can agencies foster a greater community role in providing well-being and prevention services? To what degree is effective prevention related to a need for equity in other federally funded services? How can prevention services be structured to ensure effective program development and sustainable operations?
- 7) How can funding be delivered in a way that enables agencies to be responsive to the unique needs of First Nations children, youth, families and communities?
- 8) What data architecture should be in place to identify and track the needs of First Nations child welfare agencies? What data architecture can agencies use to track the needs of their communities? What supports are needed for agencies to set community based performance measures and institute regular evaluations to enhance organizational learning?
- 9) What governance arrangements would support the achievement of agreed outcomes for First Nations child well-being? Would the governance arrangements differ based on agency type/characteristics? How does each governance arrangement define accountability, reporting, and evaluation (based on key performance indicators)?
- 10) What are appropriate models to forecast future agency needs for technology, infrastructure, administration and travel costs?

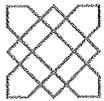


- 11) What are the core administrative staffing and related requirements of small agencies?
How are these different than larger agencies or multi-site agencies?

- 12) What is the minimum size of agency and related population consistent with good social work practice to ensure the adequate provision of protection and prevention services based on community needs? What supports can be provided to First Nations communities without a First Nations agency regardless of population (e.g. primary prevention resources)?



Deliverable		Description		Accountability & resources		Deadline	
Phase 1							
Approved project plan		– Client approves project plan and timelines		IFSD		April 5, 2018	
Ethics reviews		– Submit ethics review to the University of Ottawa Research Ethics Board and to any First Nations communities as needed		IFSD		April 15, 2018	
Analysis of existing needs assessment		– Evaluate content of agency needs assessment collected by DISC		IFSD		April 15, 2018	
		– Release public letter (addressed to Caring Society, AFN, and DISC) noting relevant data from the needs assessments and any gaps, given the diversity of the cost submissions and narratives					
Indicators table and survey design		– Define needs indicators that will inform needs analysis and costing exercise		IFSD in consultation with client		May 15, 2018	
		– Needs indicators will serve as cost categories					
		– Prepopulate indicators (or request where not public available) to capture contextual data including special considerations for child need, agency demographics, community demographics, etc.					
Workshop #1		– Convene stakeholders to seek approval and agreement of indicators table		IFSD in consultation with AFN, NAC, Caring Society		May 2018 (date TBC)	
Analysis of existing assessments		– Collect and analyze existing agency and community assessments to inform needs analysis		IFSD in consultation with agencies and communities (as required)		July 31, 2018	
		– Liaise directly with agencies to fill any data gaps					
		– Are there needs trends in agencies based on characteristics such as mandate, region, size, etc.?					
Phase 2							



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Gap analysis	<ul style="list-style-type: none"> – Undertake a deep-dive analysis of current agency cost data across Canada – Define current baseline budget and cost information for agencies based on agency consultation visits – Produce costing procedure plan and approve with client 	IFSD	September 30, 2018
Define costing procedure	<ul style="list-style-type: none"> – Using NAC-IFSD survey data, cluster agencies into characteristic-based typologies – Seek client approval of agency typologies – Prepare to produce aggregate costing based on agency typology 	IFSD in consultation with client	
Cluster agencies based on typology	<ul style="list-style-type: none"> – Confirm access and availability of all costing-related data 	IFSD in consultation with client	
Define and fill data gaps prior to costing		IFSD	
Phase 3			
Costing assessment table	<ul style="list-style-type: none"> – Produce costing assessment based on agency typology – Present in table form based on needs indicators 	IFSD	October 31, 2018
Draft findings	<ul style="list-style-type: none"> – Produce draft report on high-level findings of costing – Review results with client 	IFSD in consultation with client	October 31, 2018
Workshop #2	<ul style="list-style-type: none"> – Convene stakeholders to seek approval of costing findings – Discuss paths forward for the development of a new program architecture for First Nations child welfare 	IFSD in consultation with AFN, NAC, Caring Society	November 2, 2018
Phase 4			
Final report	<ul style="list-style-type: none"> – Leverage project and related analysis to respond to research questions in “Future research directions” section of project plan – Align needs and costing assessments to way forward for improved outcomes in First Nations child welfare 	IFSD	November 15, 2018



IFSD
IFPD

Stakeholder feedback	<ul style="list-style-type: none">- Review final report with client for feedback- Share final report with stakeholders for feedback- Allow for minor revisions and minor adjustments to final report	IFSD in consultation with client and stakeholders	November 15, 2018
Project completed			

This is **Exhibit " V "** to the Affidavit
of **Anne Scotton** sworn before me at
Thunder Bay on
the 12th day of February, **2020**.

Jennifer Anne Genereux-Gemat

A Commissioner for taking Affidavits

Jennifer Anne Genereux-Gemat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development.
Expires April 24, 2020.

Enabling First Nations Children to Thrive
Project plan for further research
Revised June 14, 2019

Context

The Assembly of First Nations (AFN) and the Caring Society requested that the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa produce a response to Canadian Human Rights Tribunal (CHRT) (2018) orders 408, 418 and 421, related to the discriminatory funding approach applied by Canada for First Nations child and family services (FNCFS) agencies.

IFSD's 2018 final report made eight recommendations for funding and structural changes to the FNCFS program, as well as three recommendations for further research. The National Advisory Committee (NAC) accepted the report in full in February 2019 (awaiting confirmation by ISC). The report was previously submitted as evidence to the CHRT by the Caring Society in January 2019.

In brief, the report highlights funding shortfalls in prevention, capital and IT, as well as contextual and funding structure challenges that must be addressed to change outcomes for children, their families and their communities.

Purpose

Following the acceptance of IFSD's report, *Enabling First Nations Children to Thrive* by NAC, this follow-on study aims to develop a bottom-up community needs-based **implementation plan**.

The plan is to include:

- 1) A full allocation and expenditure analysis for the FNCFS program.
- 2) An assessment of the impact of CHRT-mandated spending on FNCFS agency results.
- 3) A performance framework.
- 4) Funding approach options.
- 5) A transition plan to move from the current state to IFSD's recommended outcome-based funding operating model (based on NAC's input).

STAGE 2 (Supplemental additive study, based on requests from NAC)

- 1) *An assessment of need (protection and prevention) for communities not served by a First Nations child and family services (FNCFS) agency.*

At the request of AFN and NAC, IFSD has prepared a high-level project plan to address the research considerations raised in the report. Our understanding of the request is to identify options and plans for a change in structure and resources to transition agencies to a future-focused approach for First Nations children, enabling them to thrive.

This work will include needs assessments of communities served by a delegated FNCFS agency, as well as those that are not served by an agency. It is our understanding that NAC wishes to consider the ability of First Nations off-reserve to access child and family services from a FNCFS agency.

With input from experts and practitioners, this project will work to define a performance framework, related funding approach options and a transition plan, while accounting for communities not served by agencies and the lessons from recent one-time investments in FNCFS.

Guiding questions include:

- 1) What is the spending breakdown of all FNCFS-related funding?
- 2) How have additional monies (from CHRT mandates) been spent? What are the impacts of the additional monies on children? On the capacity of agencies to provide services?
- 3) What is the performance framework and related indicators that should underpin a FNCFS system that enables children to thrive?
- 4) What are the funding approaches that would support an enhanced performance framework?
- 5) How can agencies (and communities) transition to a future state in full consideration of data, human, capital and governance requirements?

STAGE 2 (Supplemental additive study, based on requests from NAC)

- 1) *How can communities without a FNCFS transition to an improved future state? What would be the range of possible fiscal costs to achieve the change?*

Approach

This research will be informed by OCAP® principles. As an affiliate of the University of Ottawa, IFSD is guided by ethical research guidelines respecting Indigenous Peoples and complies with the Tri-Council Policy Statement on the Ethical Conduct for Research Involving Humans in all its work.

It is anticipated that a mix of primary data (new data, as well as the findings from the report *Enabling Children to Thrive*), and secondary data (e.g. peer-reviewed research, data from Statistics Canada etc.) will be used in this study.

Should IFSD undertake this work, its approach and schedule of deliverables should be endorsed and supported by NAC. NAC's outreach and advocacy efforts were instrumental in the success of the 2018 report.

Interim deliverables will be defined in consultation with the contract holder. Updates related to those deliverables will be presented to NAC and the contract holder for their consideration and feedback.

IFSD will continue its agency- focused approach from its 2018 work. Site-visits will be crucial for understanding operational nuances, contextual specificities and for building representative cases. Workshops will be important in convening experts and for consensus-building among stakeholders.

IFSD will leverage the www.ifsd.ca/fncfs project page to post monthly updates on the project's progress, as well as interim findings. As with the previous report, IFSD will release its updates via email to interested stakeholders.

In addition to its regular updates to NAC and monthly updates to stakeholders, IFSD is committed to monthly joint meetings with AFN, Caring Society and ISC.

Methodology

Part 1: Funding breakdown

Defining the existing baseline of FNCFS program expenditures and allocations.

What is the spending breakdown of all FNCFS-related funding?

- 1) Obtain full expenditure and allocation profile from ISC.
 - a. Identify spending categories and lowest-level program details available.
- 2) Define performance information.
- 3) Assess program results against spending information.

What are the results of CHRT-mandated investments in FNCFS?

- 1) Obtain allocations of recent CHRT-mandated investments (e.g. allocation to capital, prevention services, etc.), presumably from ISC.
- 2) Identify the agencies and communities that received the funding. From this group, identify agencies willing to discuss the results/outcomes of the supplementary investments.
- 3) Using the case studies as a baseline, assess the impacts of the CHRT-mandated investments to identify areas of interest for future funding considerations.

Deliverables: Spending overview and performance assessment of the existing FNCFS program; impact assessment of CHRT-mandated investments with a focus on instructive results from recent expenditures.

Part 2: Performance framework

Defining a measurable future state from which to build a funding approach for thriving children.

What is the performance framework and related indicators that should underpin a FNCFS system that enables children to thrive?

- 1) Leveraging findings from the 2018 report, cluster agencies by the characteristics of the communities they serve (e.g. poverty, economic trends, education, etc.), using the profiles compiled by IFSD using Statistics Canada data. Include communities without agencies in regional-level analysis.
 - a. Define need (e.g. protection and prevention challenges) as well as gaps in context (e.g. poverty, lack of housing, limited broadband etc.).
 - b. Are there typologies of agencies that can be defined for performance and funding purposes (i.e. other than provincial boundaries)?
- 2) The performance framework to be developed with First Nations will meet all requirements noted in the Treasury Board Secretariat guide to evaluation and performance, complete with program profiles, and modelling and measurement strategies. Building on the work from the 2018 expert roundtable, IFSD will work to build consensus among First Nations on the indicators that should be measured to assess outcomes for First Nations children.
 - a. Consider how the relevant metrics and data will be collected on-reserve and off-reserve.
 - b. Establish a long-term tracking and reporting approach to assess results over time (similar to the Mid-West study).
- 3) Identify a number of cases that reflect different starting points/contexts with a variety of characteristics against which future state and funding approach implications can be assessed and benchmarked (these cases will also be used to test funding approaches).
 - a. Report findings on needs (e.g. case complexity, program challenges, etc.) and cost-drivers, e.g. road accessibility of communities, etc. should be applied in the case study selection to ensure a representative sample.
 - b. Communities that are not served by a FNCFS agency will be included in the sample.
 - c. The clustering of agencies may be applied in approaches to transition, as they have similar points of departure.

Deliverables: performance framework with relevant indicators; plan for data collection and analysis; community categories and case studies; workshop for consensus building on performance framework and indicators with experts and representative group of agencies.

Part 3: Funding approaches***Identifying approaches to funding that support improved outcomes for children.***

What are the funding approaches that would support an enhanced performance framework?

- 1) Review existing practices and benchmarks for social policy funding formulas. Identify jurisdictions, e.g. United States, state of Kentucky, Victoria State, Australia, who may have approaches or lessons to leverage on the funding of child and family services.
- 2) Using 2018 report findings and the needs-assessments from Part 1, develop bottom-up, needs-based funding approach options.
- 3) Develop a framework for assessing the attributes and drawbacks of the defined funding approaches, against the agreed performance framework, with consideration of the following:
 - a. Policy consideration: What is the goal of the funding approach, e.g. need-based allocation, per capita allocation, delivery of specific program, desired outcome?
 - b. Cost of service issues: How does the approach capture capital and operating expenditures?
 - c. Contextual considerations: Does the funding approach consider contextual factors that may influence program development and delivery? Such factors include, poverty levels, infrastructure, human resources etc.
 - d. Responsiveness/assessing drivers: Does the approach respond to demand-style pressures (e.g. community crisis) or is it driven by demographics? Will the funding approach support outcome-based funding (responsive to need and results reporting)?
 - e. Governance considerations: How are the results of the approach evaluated?
 - f. A test of the approaches will be undertaken with the cases from Part 1, including financial and social outcomes impact analysis. A methodology to aggregate the results of the cases will be developed.

Deliverables: funding approach options; cost-benefit type consideration of the options relative to the performance framework and related considerations; expert roundtable to assess funding approach options and trade-offs.

Part 4: Transition

The approach to and considerations in moving to a new system of performance and funding focused on thriving children.

How can agencies transition to a future state in full consideration of data, human, capital and governance requirements?

- 1) Link transition to changes to the performance framework and funding approach.
 - a. Define the processes and steps an agency will undergo to transition to a new performance framework and funding approach with a focus on operating, capital, and programmatic considerations.

- b. Accounting for contextual differences, identify opportunities and challenges in the transition period.
- 2) Develop a macro-level view of transition of different groups of agencies (based on their characteristics).
 - a. Define the implications for communities, agencies and Indigenous Services Canada, and provinces.
 - b. What are the timelines for a full transition?
 - c. What are the provisions that should be put in place to support unforeseen challenges/circumstances in transition?
- 3) Identify differences in transition considerations for agencies.

Deliverables: transition plans for agency/community typologies; macro-level transition overview.

STAGE 2: Assessments

Assessments of need for communities without FNCFS agencies.

What are the needs (protection and prevention) of communities without FNCFS agencies?

- 1) *Identify communities without the services of FNCFS agencies and build profiles of community-based service offerings (should they exist).*
- 2) *Develop a needs-assessment tool for communities to understand programming, operating and capital needs to support FNCFS-like services for the community (likely, focused on prevention).*
- 3) *Benchmarking from known costs for FNCFS agencies, estimate costs for communities to develop CFS programming. Consider leveraging data from existing programs, e.g. community initiatives, Martin Family Initiative’s Early Years program, etc.*
- 4) *Produce an assessment of the specific needs of communities without a FNCFS agency. Define the considerations for performance metrics, funding, and transition.*

Deliverables: Community-based assessment of need for those without FNCFS agencies; expenditure, performance and transition considerations for future programming.

Timelines and schedule of deliverables

Deliverable	Description	Accountability & resources	Deadline
PART 1: Funding breakdown			
Spending overview	Detailed overview of how the FNCFS program (including transfers, capital, operating, etc.)	IFSD; ISC; AFN	August 1, 2019

Performance assessment	Assess program effectiveness against existing performance metrics (typically, output based) and results for children and communities (outcomes).	IFSD	August 1, 2019
Impact assessment of CHRT-mandated investments	Analysis of the outcomes of recent investments and lessons for future funding and performance considerations.	IFSD; agency representatives; ISC (TBC)	August 15, 2019
PART 2: Performance framework			
Research and review of materials	Review of existing literature and report findings to develop a culturally-informed and comprehensive baseline of performance outcomes and indicators for First Nations children.	IFSD	September 15, 2019
Performance framework and indicators draft	Develop a draft performance framework with indicators to be measured.	IFSD; experts and agency representatives identified with the assistance of NAC	September 30, 2019
Workshop #1	Workshop for consensus building on performance framework and indicators with experts and representative group of agencies.	IFSD; experts and agency representatives	October 2019
Final performance framework and indicators	Performance framework that will underpin the development of funding approaches and inform transition.	IFSD	November 1, 2019
Data collection plan	An overview of how agencies will collect relevant data to inform the performance framework.	IFSD; experts and agency representatives	September 30, 2019
Defining agency clusters	Based on characteristics and other factors, e.g. expenditure patterns, develop clusters of agencies to identify cases for analysis.	IFSD	September 30, 2019
PART 3: Funding approaches			
Research and review	Review of existing literature and cases from different	IFSD	November 30, 2019

	<p>jurisdictions to identify leading practices and lessons in the development and outcomes of social policy/child welfare oriented funding formulas.</p> <p>IFSD will take into consideration the findings of the research on the Nishnawbe Aski Nation remoteness quotient and the Ontario Special Study.</p>		
Workshop #2	Convene an expert roundtable to review the trade-offs of different funding approaches identified in IFSD’s review.	IFSD; experts and agency representatives	December 2019
Report on funding approach options (incl. trade-offs)	Analytic assessment of funding approach options with cost-benefit analysis and IFSD’s recommended approach for consideration by NAC.	IFSD	December 16, 2019
PART 4: Transition			
NAC’s recommendation	Based on findings in Parts 1 & 2, NAC should inform IFSD on its selected funding approach to inform a transition plan.	IFSD and NAC	January 2020
Transition plan	With a focus on programmatic, operating, capital and governance, the transition plan will work through the organizational changes required of a new funding approach for different clusters/typologies of agencies.	IFSD; experts and agency representatives	April 2020
Workshop #3	Agency and expert roundtable on considerations for transition, with the preferred funding approach.	IFSD; experts and agency representatives	February 2020
Macro-level overview of transition	An assessment and overview of the transition process, potential opportunities and challenges, as well as proposed	IFSD	May 2020

	approaches to manage unforeseen circumstances.		
STAGE 2: Supplemental additive study			
Community-based need assessments	Understanding need (protection, prevention etc.) of communities without FNCFS agencies. Results should inform expenditure, performance and transition considerations for future programming.	IFSD; community representatives	November 2019-February 2020

Considerations

The importance of relevant data cannot be overstated. IFSD is fortunate to have a well-developed baseline of agency costs from the 2018 report but will require assessment of contextual factors to ensure bottom-up performance and cost approaches are developed.

It is expected that this research will combine data from agencies and communities, as well as findings and practices from other jurisdictions.

Support from NAC, AFN and the Caring Society will be imperative in bridging gaps in understanding, in connecting with stakeholders and in promoting the work.

In an effort to ensure the feasibility and reasonability of the proposed measures, it may be advisable to leverage the perspectives and profiles of an expert review group (this would be in addition to NAC’s usual advisory role). Composed of former deputy ministers (e.g. Finance), former prime ministers, etc. the group would verify the project’s approach for political and bureaucratic matters, helping to ensure its promotion and defensibility.

Budget

***NOTE: Supplemental study is not included in this budget. IFSD will undertake this work with its best efforts within the constraints of the originally proposed budget below.**

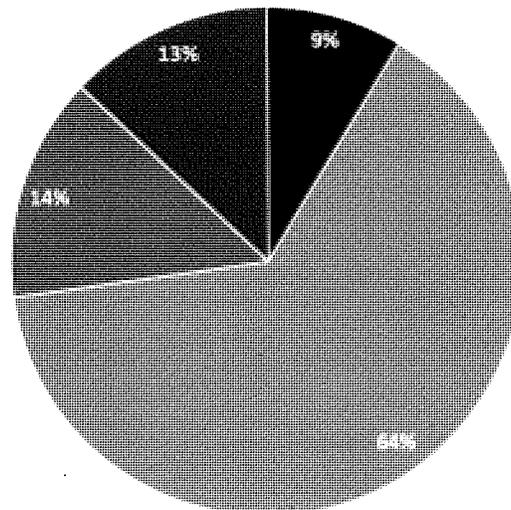
The **quantum of work** proposed for this project is substantial and extends across a calendar year. Building on its recent experience, IFSD understands the cruciality of accurate, substantial and representative agency data. IFSD appreciates the substantive effort required to successfully develop, execute and deliver on its work. The majority of the project’s resources are allocated to research, analysis and data and outreach-focused travel (see Project budget overview).

IFSD’s approach to FNCFS analysis is built on **trust**. Having worked to foster relationships with agencies and their leadership, IFSD appreciates the necessity of respectful, trusting and

collaborative relationships with agency partners. IFSD is proud of its previous work and notably, the participation of 76% of FNCFS agencies whose confidence, perspective and data sharing made the analysis possible. Receiving messages of support, thanks and encouragement from agency leadership via email, in person or at NAC meetings, are a source of pride of IFSD. The confidence of agencies is imperative in continuing to build on the cost and structure baseline established with their participation and support. The economics of this proposal are based on the trusted relationships with FNCFS agencies.

Project budget overview

Chart Area



- Case studies (data collection + agency outreach)
- IFSD principals + other staff and experts
- IT resources
- Workshops

The majority of the project budget is allocated to research and analysis mainly undertaken by IFSD principals, with the support of staff and selectively retained external experts. The IFSD is a not-for-profit entity funded by a grant that enhances its independence. Further, the IFSD can commit its senior resources to the engagement throughout the project timetable. The IFSD per diem rates are consistent with previous projects for various national, sub-national, and international governments and organizations and significantly below the rates of major consulting firms. Further, the fees include the IFSD's overhead for the project.

From a **value-for-money** perspective, IFSD is a responsible choice with a track-record of going above-and-beyond stated engagement requirements to fulfill its contracts in pursuit of excellence. Beyond its knowledge and access to data used to develop the existing cost baseline, IFSD has relationships with and a strong understanding of the federal government's central agencies. IFSD's expertise and experience drafting cabinet documents, Treasury Board submissions, their due-diligence processes and the responsible office holders, represents an



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amplification of its research and analysis. With intimate and largely unmatched experience applying findings for decision-support, IFSD is prepared to leverage its relationships and understanding of federal processes for the purposes of this engagement.

Engagement Budget

Analyzing First Nations Child and Family Services (FNCFS) Agency Needs
March 2019-March 2020

Consulting Rates	Days	Rate	
Kevin Page	50	\$ 2,000	\$ 100,000
Sahir Khan	50	\$ 1,900	\$ 95,000
Helaina Gaspard	210	\$ 1,500	\$ 315,000
Azfar Ali Khan	25	\$ 1,500	\$ 37,500
Mostafa Askari	25	\$ 1,500	\$ 37,500
Taylor Rubens-Auguston	252	\$ 500	\$ 126,000
			\$ 711,000
Research Assistant	252	\$ 30,000	
Research Assistant	252	\$ 30,000	
Research Assistant	252	\$ 30,000	
Research Assistant	252	\$ 30,000	
Expert Advisory services		\$ 150,000	
			\$ 270,000
Subtotal fees			\$ 981,000.00
Case studies and outreach			
Round trip cost per flight (domestic)	\$ 1,500		
Number of Trips (two per moth, May-November)	14		
Team size for each trip	3		
Lodging			
Hotel (with Tax)	\$ 230	\$ 48,300	
Per Diem	\$ 108	\$ 22,680	
Nights per Trip	5		
Travel Days in 2019	210		
Subtotal lodging and per diem			\$ 133,980.00
Workshops (three)			
Two-day, national, 25 participants			
Hospitality	\$ 220	\$ 11,000	
Travel fees (air travel + two nights hotel + per diem), 20 participants outside of Ottawa	\$ 2,324	\$ 46,480	
AV support		\$ 5,000	
Miscellaneous		\$ 3,000	
Subtotal workshops			\$ 196,440.00
IT Resources			
Project website (updates and maintenance)	\$ 7,000	\$ 7,000	
Monthly website fees	\$ 10,848	\$ 10,848	
Development of software for results tracking, measurement and reporting		200,000	
Subtotal IT resources			\$ 217,848.00
Subtotal			\$ 1,529,268.00
Assembly of First Nations (AFN) administration fee	2%	\$ 30,585.36	
HST (on IFSD and AFN fees only)		\$ 131,506.10	
TOTAL COSTS			\$1,691,359.46

Notes

Rates consistent with previous projects for various national, sub-national, and international governments and organizations. *Discussion required on how IFSD employee time will be counted.*

Including travel, honorariums

All travel pursuant to National Joint Council (NJC) guidelines

CAUBO preferred rates used whenever possible
All per diems pursuant to NJC guidelines

This is **Exhibit " W "** to the Affidavit
of **Anne Scotton** sworn before me at
Thunder Bay on
the 12th day of February, 2020.

Jennifer Anne Gernat

A Commissioner for taking Affidavits

Jennifer Anne Gernat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development,
Expires April 24, 2020.

First Session, Forty-second Parliament,
64-65-66-67-68 Elizabeth II, 2015-2016-2017-2018-2019

Première session, quarante-deuxième législature,
64-65-66-67-68 Elizabeth II, 2015-2016-2017-2018-2019

STATUTES OF CANADA 2019

LOIS DU CANADA (2019)

CHAPTER 24

CHAPITRE 24

An Act respecting First Nations, Inuit and
Métis children, youth and families

Loi concernant les enfants, les jeunes et les
familles des Premières Nations, des Inuits et
des Métis

ASSENTED TO

JUNE 21, 2019

BILL C-92

SANCTIONNÉE

LE 21 JUIN 2019

PROJET DE LOI C-92

SUMMARY

This enactment affirms the rights and jurisdiction of Indigenous peoples in relation to child and family services and sets out principles applicable, on a national level, to the provision of child and family services in relation to Indigenous children, such as the best interests of the child, cultural continuity and substantive equality.

SOMMAIRE

Le texte affirme les droits et la compétence des peuples autochtones en matière de services à l'enfance et à la famille et énonce des principes applicables, à l'échelle nationale, à la fourniture de tels services à l'égard des enfants autochtones, notamment l'intérêt de l'enfant, la continuité culturelle et l'égalité réelle.

CHAPTER 24

An Act respecting First Nations, Inuit and Métis children, youth and families

[Assented to 21st June, 2019]

Preamble

Whereas the Government of Canada is committed to implementing the United Nations Declaration on the Rights of Indigenous Peoples;

Whereas Canada ratified the United Nations Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination;

Whereas Parliament recognizes the legacy of residential schools and the harm, including intergenerational trauma, caused to Indigenous peoples by colonial policies and practices;

Whereas Parliament recognizes the disruption that Indigenous women and girls have experienced in their lives in relation to child and family services systems and the importance of supporting Indigenous women and girls in overcoming their historical disadvantage;

Whereas Parliament recognizes the importance of reuniting Indigenous children with their families and communities from whom they were separated in the context of the provision of child and family services;

Whereas the Truth and Reconciliation Commission of Canada's Calls to Action calls for the federal, provincial and Indigenous governments to work together with respect to the welfare of Indigenous children and calls for the enactment of federal legislation that establishes national standards for the welfare of Indigenous children;

Whereas Parliament affirms the right to self-determination of Indigenous peoples, including the inherent right of self-government, which includes jurisdiction in relation to child and family services;

Whereas Parliament affirms the need

to respect the diversity of all Indigenous peoples, including the diversity of their laws, rights,

CHAPITRE 24

Loi concernant les enfants, les jeunes et les familles des Premières Nations, des Inuits et des Métis

[Sanctionnée le 21 juin 2019]

Préambule

Attendu :

que le gouvernement du Canada s'est engagé à mettre en œuvre la Déclaration des Nations Unies sur les droits des peuples autochtones;

que le Canada a ratifié la Convention des Nations Unies relative aux droits de l'enfant et la Convention internationale sur l'élimination de toutes les formes de discrimination raciale;

que le Parlement reconnaît les séquelles découlant des pensionnats indiens ainsi que les torts, notamment les traumatismes intergénérationnels, causés aux peuples autochtones par les politiques et les pratiques coloniales;

que le Parlement reconnaît les bouleversements subis par les femmes et les filles autochtones en lien avec les systèmes de services à l'enfance et à la famille et l'importance de les aider à surmonter les désavantages historiques auxquels elles sont confrontées;

que le Parlement reconnaît l'importance de réunir avec leurs familles et leurs collectivités les enfants autochtones qui en ont été séparés dans le cadre de la fourniture de services à l'enfance et à la famille;

que la Commission de vérité et réconciliation du Canada a lancé des appels à l'action demandant aux gouvernements fédéral, provinciaux et autochtones de travailler ensemble pour le bien-être des enfants autochtones et demandant l'édiction de dispositions législatives fédérales qui établissent des normes nationales à cette fin;

que le Parlement affirme le droit à l'autodétermination des peuples autochtones, y compris le droit inhérent à l'autonomie gouvernementale lequel comprend la compétence en matière de services à l'enfance et à la famille;

treaties, histories, cultures, languages, customs and traditions,

to take into account the unique circumstances and needs of Indigenous elders, parents, youth, children, persons with disabilities, women, men and gender-diverse persons and two-spirit persons,

to address the needs of Indigenous children and to help ensure that there are no gaps in the services that are provided in relation to them, whether they reside on a reserve or not,

to eliminate the over-representation of Indigenous children in child and family services systems, and

to enact legislation for the benefit of Indigenous children, including First Nations, Inuit and Métis Nation children;

Whereas the Government of Canada is committed

to working in cooperation and partnership with Indigenous peoples to support the dignity and well-being of Indigenous children and youth and their families and communities, as well as the achievement of their full potential, and to respecting, strengthening and building on the accomplishments of Indigenous peoples in this regard,

to achieving reconciliation with First Nations, the Inuit and the Métis through renewed nation-to-nation, government-to-government and Inuit-Crown relationships based on recognition of rights, respect, cooperation and partnership, and

to engaging with Indigenous peoples and provincial governments to support a comprehensive reform of child and family services that are provided in relation to Indigenous children;

And whereas the Government of Canada acknowledges the ongoing call for funding for child and family services that is predictable, stable, sustainable, needs-based and consistent with the principle of substantive equality in order to secure long-term positive outcomes for Indigenous children, families and communities;

que le Parlement affirme la nécessité :

de respecter la diversité de tous les peuples autochtones, notamment en ce qui a trait à leurs lois, à leurs droits, à leurs traités, à leur histoire, à leur culture, à leur langue, à leurs coutumes et à leurs traditions,

de reconnaître la situation et les besoins propres aux aînés, aux parents, aux jeunes, aux enfants, aux femmes ou aux hommes autochtones, ainsi que ceux propres aux Autochtones ayant un handicap, de diverses identités de genre ou bispirituels,

de combler les besoins des enfants autochtones et d'aider à faire en sorte que les services qui sont fournis à leur égard ne comportent pas de lacune, et ce, qu'ils résident ou non dans une réserve,

de mettre fin à la surreprésentation des enfants autochtones dans les systèmes de services à l'enfance et à la famille,

d'édicter des dispositions législatives pour le bien des enfants autochtones, notamment ceux d'entre eux qui sont issus d'une première nation, qui sont des Inuits ou qui sont issus de la Nation métisse;

que le gouvernement du Canada s'est engagé :

à travailler en coopération et en partenariat avec les peuples autochtones afin de favoriser la dignité, le bien-être et le plein épanouissement des enfants et des jeunes autochtones, de leurs familles et de leurs collectivités et à respecter, à renforcer et à utiliser comme fondement les réalisations de ces peuples à cet égard,

à mener à bien la réconciliation avec les Premières Nations, les Inuits et les Métis grâce à des relations renouvelées de nation à nation, de gouvernement à gouvernement et entre les Inuits et la Couronne, qui reposent sur la reconnaissance des droits, le respect, la coopération et le partenariat,

à dialoguer avec les peuples autochtones et les gouvernements des provinces pour appuyer une réforme en profondeur des services à l'enfance et à la famille fournis à l'égard des enfants autochtones;

que le gouvernement du Canada reconnaît la demande constante d'obtention d'un financement des services à l'enfance et à la famille qui soit prévisible, stable, durable, fondé sur les besoins et conforme au principe de l'égalité réelle afin d'atteindre des

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Interpretation

Definitions

1 The following definitions apply in this Act.

care provider means a person 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. (*fournisseur de soins*)

child and family services means services to support children and families, including prevention services, early intervention services and child protection services. (*services à l'enfance et à la famille*)

coordination agreement means an agreement referred to in subsection 20(2). (*accord de coordination*)

family includes a person whom a child considers to be a close relative or whom the Indigenous 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. (*famille*)

Indigenous, when used in respect of a person, also describes a First Nations person, an Inuk or a Métis person. (*autochtone*)

Indigenous governing body means a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*. (*corps dirigeant autochtone*)

Indigenous peoples has the meaning assigned by the definition *aboriginal peoples of Canada* in subsection 35(2) of the *Constitution Act, 1982*. (*peuples autochtones*)

Minister means the Minister designated under section 6. (*ministre*)

résultats qui sont positifs à long terme pour les enfants, les familles et les collectivités autochtones,

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

Définitions et interprétation

Définitions

1 Les définitions qui suivent s'appliquent à la présente loi.

accord de coordination L'accord visé au paragraphe 20(2). (*coordination agreement*)

autochtone S'agissant d'une personne, vise notamment celle issue d'une première nation, un Inuit ou un Métis. (*Indigenous*)

corps dirigeant autochtone Conseil, gouvernement ou autre entité autorisé à agir pour le compte d'un groupe, d'une collectivité ou d'un peuple autochtones titulaires de droits reconnus et confirmés par l'article 35 de la *Loi constitutionnelle de 1982*. (*Indigenous governing body*)

famille Vise notamment toute personne que l'enfant considère être un proche parent ou qui, conformément aux coutumes, aux traditions ou aux pratiques coutumières en matière d'adoption du groupe, de la collectivité ou du peuple autochtones dont l'enfant fait partie, est considérée par ce groupe, cette collectivité ou ce peuple être un proche parent de l'enfant. (*family*)

fournisseur de soins S'entend de toute personne qui a la responsabilité principale de fournir des soins quotidiens à un enfant autochtone, autre qu'un parent — mère ou père — de celui-ci, notamment en conformité avec les coutumes ou les traditions du groupe, de la collectivité ou du peuple autochtones dont l'enfant fait partie. (*care provider*)

ministre Le ministre désigné en vertu de l'article 6. (*Minister*)

peuples autochtones S'entend au sens de *peuples autochtones du Canada*, au paragraphe 35(2) de la *Loi constitutionnelle de 1982*. (*Indigenous peoples*)

services à l'enfance et à la famille Services de soutien aux enfants et aux familles, notamment des services de prévention, d'intervention précoce et de protection des enfants. (*child and family services*)

Rights of Indigenous peoples

2 This Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*, and not as abrogating or derogating from them.

Conflict — existing agreement

3 If there is a conflict or inconsistency between a provision that is in an agreement — including a treaty or a self-government agreement — that contains provisions respecting child and family services, concluded before the day on which subsection 18(1) comes into force, between an Indigenous group, community or people and Her Majesty in right of Canada or of a province and a provision of this Act or the regulations, the provision that is in the agreement prevails to the extent of the conflict or inconsistency.

Minimum standards

4 For greater certainty, nothing in this Act affects the application of a provision of a provincial Act or regulation to the extent that the provision does not conflict with, or is not inconsistent with, the provisions of this Act.

Nunavut Act

5 Subject to section 4, nothing in this Act affects the Legislature for Nunavut's legislative powers referred to in section 23 of the *Nunavut Act*.

Designation of Minister

Order in council

6 The Governor in Council may, by order, designate any federal minister to be the Minister referred to in this Act.

Her Majesty

Binding on Her Majesty

7 This Act is binding on Her Majesty in right of Canada or of a province.

Purpose and Principles

Purpose

8 The purpose of this Act is to

- (a) affirm the inherent right of self-government, which includes jurisdiction in relation to child and family services;

Droits des peuples autochtones

2 La présente loi maintient les droits des peuples autochtones reconnus et confirmés par l'article 35 de la *Loi constitutionnelle de 1982*; elle n'y porte pas atteinte.

Conflit — accord existant

3 Les dispositions de tout accord — notamment d'un traité ou d'un accord sur l'autonomie gouvernementale — comprenant des dispositions relatives aux services à l'enfance et à la famille qui a été conclu avant la date d'entrée en vigueur du paragraphe 18(1) entre, d'une part, un groupe, une collectivité ou un peuple autochtones et, d'autre part, Sa Majesté du chef du Canada ou d'une province l'emportent sur les dispositions incompatibles de la présente loi et de ses règlements.

Normes minimales

4 Il est entendu que la présente loi ne porte atteinte à l'application des dispositions d'aucune loi provinciale — ni d'aucun règlement pris en vertu d'une telle loi — dans la mesure où elles ne sont pas incompatibles avec les dispositions de la présente loi.

Loi sur le Nunavut

5 Sous réserve de l'article 4, la présente loi ne porte pas atteinte à la compétence législative de la Législature du Nunavut visée à l'article 23 de la *Loi sur le Nunavut*.

Désignation du ministre

Pouvoir du gouverneur en conseil

6 Le gouverneur en conseil peut, par décret, désigner le ministre fédéral visé par le terme « ministre » figurant dans la présente loi.

Sa Majesté

Obligation de Sa Majesté

7 La présente loi lie Sa Majesté du chef du Canada ou d'une province.

Objet et principes

Objet

8 La présente loi a pour objet :

- a) d'affirmer le droit inhérent à l'autonomie gouvernementale lequel comprend la compétence en matière de services à l'enfance et à la famille;

(b) set out principles applicable, on a national level, to the provision of child and family services in relation to Indigenous children; and

(c) contribute to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

Principle — best interests of child

9 (1) This Act is to be interpreted and administered in accordance with the principle of the best interests of the child.

Principle — cultural continuity

(2) This Act is to be interpreted and administered in accordance with the principle of cultural continuity as reflected in the following concepts:

(a) cultural continuity is essential to the well-being of a child, a family and an Indigenous group, community or people;

(b) the transmission of the languages, cultures, practices, customs, traditions, ceremonies and knowledge of Indigenous peoples is integral to cultural continuity;

(c) a child's best interests are often promoted when the child resides with members of his or her family and the culture of the Indigenous group, community or people to which he or she belongs is respected;

(d) child and family services provided in relation to an Indigenous child are to be provided in a manner that does not contribute to the assimilation of the Indigenous group, community or people to which the child belongs or to the destruction of the culture of that Indigenous group, community or people; and

(e) the characteristics and challenges of the region in which a child, a family or an Indigenous group, community or people is located are to be considered.

Principle — substantive equality

(3) This Act is to be interpreted and administered in accordance with the principle of substantive equality as reflected in the following concepts:

(a) the rights and distinct needs of a child with a disability are to be considered in order to promote the child's participation, to the same extent as other children, in the activities of his or her family or the Indigenous group, community or people to which he or she belongs;

b) d'énoncer des principes applicables à la fourniture de services à l'enfance et à la famille à l'égard des enfants autochtones, et ce, à l'échelle nationale;

c) de contribuer à la mise en œuvre de la Déclaration des Nations Unies sur les droits des peuples autochtones.

Principe — intérêt de l'enfant

9 (1) La présente loi doit être interprétée et administrée en conformité avec le principe de l'intérêt de l'enfant.

Principe — continuité culturelle

(2) La présente loi doit être interprétée et administrée en conformité avec le principe de la continuité culturelle, et ce, selon les concepts voulant que :

a) la continuité culturelle est essentielle au bien-être des enfants, des familles et des groupes, collectivités ou peuples autochtones;

b) la transmission de la langue, de la culture, des pratiques, des coutumes, des traditions, des cérémonies et des connaissances des peuples autochtones fait partie intégrante de la continuité culturelle;

c) le fait que l'enfant réside avec des membres de sa famille et le fait de respecter la culture du groupe, de la collectivité ou du peuple autochtones dont il fait partie favorisent souvent l'intérêt de l'enfant;

d) les services à l'enfance et à la famille sont fournis à l'égard d'un enfant autochtone de manière à ne pas contribuer à l'assimilation du groupe, de la collectivité ou du peuple autochtones dont il fait partie ou à la destruction de la culture de ce groupe, de cette collectivité ou de ce peuple;

e) les caractéristiques et les défis propres à la région où se trouvent les enfants, les familles et les groupes, collectivités ou peuples autochtones doivent être pris en considération.

Principe — égalité réelle

(3) La présente loi doit être interprétée et administrée en conformité avec le principe de l'égalité réelle, et ce, selon les concepts voulant que :

a) les droits et les besoins particuliers d'un enfant handicapé doivent être pris en considération afin de favoriser sa participation — autant que celle des autres enfants — aux activités de sa famille ou du groupe, de la collectivité ou du peuple autochtones dont il fait partie;

(b) a child must be able to exercise his or her rights under this Act, including the right to have his or her views and preferences considered in decisions that affect him or her, and he or she must be able to do so without discrimination, including discrimination based on sex or gender identity or expression;

(c) a child's family member must be able to exercise his or her rights under this Act, including the right to have his or her views and preferences considered in decisions that affect him or her, and he or she must be able to do so without discrimination, including discrimination based on sex or gender identity or expression;

(d) the Indigenous governing body acting on behalf of the Indigenous group, community or people to which a child belongs must be able to exercise without discrimination the rights of the Indigenous group, community or people under this Act, including the right to have the views and preferences of the Indigenous group, community or people considered in decisions that affect that Indigenous group, community or people; and

(e) in order to promote substantive equality between Indigenous children and other children, a jurisdictional dispute must not result in a gap in the child and family services that are provided in relation to Indigenous children.

Best Interests of Indigenous Child

Best interests of Indigenous child

10 (1) The best interests of the child must be a primary consideration in the making of decisions or the taking of actions in the context of the provision of child and family services in relation to an Indigenous child and, in the case of decisions or actions related to child apprehension, the best interests of the child must be the paramount consideration.

Primary consideration

(2) When the factors referred to in subsection (3) are being considered, primary consideration must be given to the child's physical, emotional and psychological safety, security and well-being, as well as to the importance, for that child, of having an ongoing relationship with his or her family and with the Indigenous group, community or people to which he or she belongs and of preserving the child's connections to his or her culture.

b) tout enfant doit être en mesure d'exercer sans discrimination, notamment celle fondée sur le sexe et l'identité ou l'expression de genre, ses droits prévus par la présente loi, en particulier le droit de voir son point de vue et ses préférences être pris en considération dans les décisions le concernant;

c) tout membre de la famille d'un enfant doit être en mesure d'exercer sans discrimination, notamment celle fondée sur le sexe et l'identité ou l'expression de genre, ses droits prévus par la présente loi, en particulier le droit de voir son point de vue et ses préférences être pris en considération dans les décisions le concernant;

d) le corps dirigeant autochtone agissant pour le compte d'un groupe, d'une collectivité ou d'un peuple autochtones dont un enfant fait partie doit être en mesure d'exercer sans discrimination les droits de ce groupe, de cette collectivité ou de ce peuple prévus par la présente loi, en particulier le droit de voir le point de vue et les préférences de ce groupe, de cette collectivité ou de ce peuple être pris en considération dans les décisions les concernant;

e) dans le but de promouvoir l'égalité réelle entre les enfants autochtones et les autres enfants, aucun conflit de compétence ne doit occasionner de lacune dans les services à l'enfance et à la famille fournis à l'égard des enfants autochtones.

Intérêt de l'enfant autochtone

Intérêt de l'enfant autochtone

10 (1) L'intérêt de l'enfant est une considération primordiale dans la prise de décisions ou de mesures dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone et, s'agissant de décisions et de mesures relatives à la prise en charge de l'enfant, l'intérêt de celui-ci est la considération fondamentale.

Considération première

(2) Lorsqu'il est tenu compte des facteurs prévus au paragraphe (3), une attention particulière doit être accordée au bien-être et à la sécurité physiques, psychologiques et affectifs de l'enfant, ainsi qu'à l'importance pour lui d'avoir des rapports continus avec sa famille et le groupe, la collectivité ou le peuple autochtones dont il fait partie et de préserver ses liens avec sa culture.

Factors to be considered

(3) To determine the best interests of an Indigenous child, all factors related to the circumstances of the child must be considered, including

- (a) the child's cultural, linguistic, religious and spiritual upbringing and heritage;
- (b) the child's needs, given the child's age and stage of development, such as the child's need for stability;
- (c) the nature and strength of the child's relationship with his or her parent, the care provider and any member of his or her family who plays an important role in his or her life;
- (d) the importance to the child of preserving the child's cultural identity and connections to the language and territory of the Indigenous group, community or people to which the child belongs;
- (e) the child's views and preferences, giving due weight to the child's age and maturity, unless they cannot be ascertained;
- (f) any plans for the child's care, including care in accordance with the customs or traditions of the Indigenous group, community or people to which the child belongs;
- (g) any family violence and its impact on the child, including whether the child is directly or indirectly exposed to the family violence as well as the physical, emotional and psychological harm or risk of harm to the child; and
- (h) any civil or criminal proceeding, order, condition, or measure that is relevant to the safety, security and well-being of the child.

Consistency

(4) Subsections (1) to (3) are to be construed in relation to an Indigenous child, to the extent that it is possible to do so, in a manner that is consistent with a provision of a law of the Indigenous group, community or people to which the child belongs.

Provision of Child and Family Services

Effect of services

11 Child and family services provided in relation to an Indigenous child are to be provided in a manner that

Facteurs à considérer

(3) Pour déterminer l'intérêt de l'enfant autochtone, il doit être tenu compte de tout facteur lié à la situation de ce dernier, notamment :

- a) son patrimoine et son éducation culturels, linguistiques, religieux et spirituels;
- b) ses besoins, dont son besoin de stabilité, compte tenu de son âge et du stade de son développement;
- c) la nature et la solidité de ses rapports avec son parent — mère ou père —, son fournisseur de soins et tout membre de sa famille ayant un rôle important dans sa vie;
- d) l'importance pour lui de préserver son identité culturelle et ses liens avec la langue et le territoire du groupe, de la collectivité ou du peuple autochtones dont il fait partie;
- e) son point de vue et ses préférences, compte tenu de son âge et de son degré de maturité, sauf s'ils ne peuvent être établis;
- f) tout plan concernant ses soins, lequel peut comprendre des soins donnés conformément aux coutumes ou aux traditions du groupe, de la collectivité ou du peuple autochtones dont il fait partie;
- g) la présence de violence familiale et ses effets sur l'enfant, notamment le fait que l'enfant y soit ou non directement ou indirectement exposé, ainsi que le tort physique, affectif ou psychologique causé à l'enfant ou le risque qu'un tel tort lui soit causé;
- h) toute procédure judiciaire, ordonnance, condition ou mesure, de nature civile ou pénale, concernant sa sécurité ou son bien-être.

Compatibilité

(4) Les paragraphes (1) à (3) doivent, dans la mesure du possible, être interprétés à l'égard d'un enfant autochtone de manière compatible avec les dispositions du texte législatif du groupe, de la collectivité ou du peuple autochtone dont l'enfant fait partie.

Fourniture des services à l'enfance et à la famille

Effet des services

11 Les services à l'enfance et à la famille sont fournis à l'égard de l'enfant autochtone de manière à :

- (a) takes into account the child's needs, including with respect to his or her physical, emotional and psychological safety, security and well-being;
- (b) takes into account the child's culture;
- (c) allows the child to know his or her family origins; and
- (d) promotes substantive equality between the child and other children.

Notice

12 (1) In the context of providing child and family services in relation to an Indigenous child, to the extent that doing so is consistent with the best interests of the child, before taking any significant measure in relation to the child, the service provider must provide notice of the measure to the child's parent and the care provider, as well as to the Indigenous governing body that acts on behalf of the Indigenous group, community or people to which the child belongs and that has informed the service provider that they are acting on behalf of that Indigenous group, community or people.

Personal information

(2) The service provider must ensure that the notice provided to an Indigenous governing body under subsection (1) does not contain personal information about the child, a member of the child's family or the care provider, other than information that is necessary to explain the proposed significant measure or that is required by the Indigenous governing body's coordination agreement.

Representations and party status

13 In the context of a civil proceeding in respect of the provision of child and family services in relation to an Indigenous child,

- (a) the child's parent and the care provider have the right to make representations and to have party status; and
- (b) the Indigenous governing body acting on behalf of the Indigenous group, community or people to which the child belongs has the right to make representations.

Priority to preventive care

14 (1) In the context of providing child and family services in relation to an Indigenous child, to the extent that providing a service that promotes preventive care to support the child's family is consistent with the best interests

- a) tenir compte de ses besoins, notamment en matière de bien-être et de sécurité physiques, psychologiques et affectifs;
- b) tenir compte de sa culture;
- c) lui permettre de connaître ses origines familiales;
- d) favoriser l'égalité réelle entre lui et les autres enfants.

Avis

12 (1) Dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone, dans la mesure où cela est compatible avec l'intérêt de l'enfant, avant la prise d'une mesure importante à son égard, le responsable de la fourniture des services est tenu d'en aviser son parent — mère ou père — et son fournisseur de soins, ainsi que le corps dirigeant autochtone qui, d'une part, agit pour le compte du groupe, de la collectivité ou du peuple autochtones dont l'enfant fait partie et, d'autre part, en a informé le responsable de la fourniture des services.

Renseignement personnel

(2) Le responsable de la fourniture des services veille à ce que l'avis donné au corps dirigeant autochtone au titre du paragraphe (1) ne contienne aucun renseignement personnel à l'égard de l'enfant, d'un membre de sa famille ou de son fournisseur de soins, outre les renseignements qui sont nécessaires pour expliquer la mesure importante qui est proposée ou qui sont exigés par l'accord de coordination du corps dirigeant autochtone.

Représentations et qualité de partie

13 Dans le cadre de toute procédure judiciaire de nature civile relative à la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone :

- a) le parent — mère ou père — et le fournisseur de soins de l'enfant ont le droit de faire des représentations et d'avoir qualité de partie;
- b) le corps dirigeant autochtone agissant pour le compte du groupe, de la collectivité ou du peuple autochtones dont l'enfant fait partie a le droit de faire des représentations.

Priorité aux soins préventifs

14 (1) Dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone, dans la mesure où cela est compatible avec l'intérêt de l'enfant, les services favorisant des soins préventifs

of the child, the provision of that service is to be given priority over other services.

Prenatal care

(2) To the extent that providing a prenatal service that promotes preventive care is consistent with what will likely be in the best interests of an Indigenous child after he or she is born, the provision of that service is to be given priority over other services in order to prevent the apprehension of the child at the time of the child's birth.

Socio-economic conditions

15 In the context of providing child and family services in relation to an Indigenous child, to the extent that it is consistent with the best interests of the child, the child must not be apprehended solely on the basis of his or her socio-economic conditions, including poverty, lack of adequate housing or infrastructure or the state of health of his or her parent or the care provider.

Reasonable efforts

15.1 In the context of providing child and family services in relation to an Indigenous child, unless immediate apprehension is consistent with the best interests of the child, before apprehending a child who resides with one of the child's parents or another adult member of the child's family, the service provider must demonstrate that he or she made reasonable efforts to have the child continue to reside with that person.

Placement of Indigenous Child

Priority

16 (1) The placement of an Indigenous child in the context of providing child and family services in relation to the child, to the extent that it is consistent with the best interests of the child, is to occur in the following order of priority:

- (a) with one of the child's parents;
- (b) with another adult member of the child's family;
- (c) with an adult who belongs to the same Indigenous group, community or people as the child;
- (d) with an adult who belongs to an Indigenous group, community or people other than the one to which the child belongs; or
- (e) with any other adult.

destinés à aider la famille de celui-ci ont priorité sur les autres services.

Soins prénatals

(2) Dans la mesure où la fourniture de services prénatals favorisant des soins préventifs est compatible avec ce qui, après sa naissance, est susceptible d'être dans l'intérêt de l'enfant autochtone, la fourniture de ces services a priorité sur la fourniture d'autres services afin de prévenir la prise en charge de l'enfant à sa naissance.

Condition socio-économique

15 Dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone, dans la mesure où cela est compatible avec son intérêt, l'enfant ne doit pas être pris en charge seulement en raison de sa condition socio-économique, notamment la pauvreté, le manque de logement ou d'infrastructures convenables et l'état de santé de son parent — mère ou père — ou de son fournisseur de soins.

Efforts raisonnables

15.1 Dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone, sauf si sa prise en charge immédiate est compatible avec son intérêt, avant que l'enfant qui réside avec un parent — mère ou père — ou avec un autre membre de sa famille qui est un adulte ne puisse être pris en charge, le responsable de la fourniture des services est tenu de démontrer que des efforts raisonnables ont été faits pour que l'enfant continue de résider avec celui-ci.

Placement de l'enfant autochtone

Priorité

16 (1) Dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone, le placement de l'enfant, dans la mesure où cela est compatible avec son intérêt, se fait auprès de l'une des personnes ci-après énumérées par ordre de priorité :

- a) un parent — mère ou père — de l'enfant;
- b) un autre membre de sa famille qui est un adulte;
- c) un adulte appartenant au groupe, à la collectivité ou au peuple autochtones dont il fait partie;
- d) un adulte appartenant à un groupe, à une collectivité ou à un peuple autochtones autre que celui dont il fait partie;
- e) tout autre adulte.

Placement with or near other children

(2) When the order of priority set out in subsection (1) is being applied, the possibility of placing the child with or near children who have the same parent as the child, or who are otherwise members of the child's family, must be considered in the determination of whether a placement would be consistent with the best interests of the child.

Customs and traditions

(2.1) The placement of a child under subsection (1) must take into account the customs and traditions of Indigenous peoples such as with regards to customary adoption.

Family unity

(3) In the context of providing child and family services in relation to an Indigenous child, there must be a reassessment, conducted on an ongoing basis, of whether it would be appropriate to place the child with

(a) a person referred to in paragraph (1)(a), if the child does not reside with such a person; or

(b) a person referred to in paragraph (1)(b), if the child does not reside with such a person and unless the child resides with a person referred to in paragraph (1)(a).

Attachment and emotional ties

17 In the context of providing child and family services in relation to an Indigenous child, if the child is not placed with a member of his or her family in accordance with paragraph 16(1)(a) or (b), to the extent that doing so is consistent with the best interests of the child, the child's attachment and emotional ties to each such member of his or her family are to be promoted.

Jurisdiction — Child and Family Services

Affirmation

18 (1) The inherent right of self-government recognized and affirmed by section 35 of the *Constitution Act, 1982* includes jurisdiction in relation to child and family services, including legislative authority in relation to those services and authority to administer and enforce laws made under that legislative authority.

Placement avec d'autres enfants ou près d'eux

(2) S'agissant d'un placement visé au paragraphe (1), pour décider de ce qui est compatible avec l'intérêt de l'enfant, il doit être tenu compte de la possibilité de placer celui-ci avec des enfants qui ont le même parent — mère ou père — que lui ou qui sont autrement membres de sa famille, ou près de tels enfants.

Coutumes et traditions

(2.1) S'agissant d'un placement visé au paragraphe (1), il doit être tenu compte des coutumes et des traditions des peuples autochtones en matière d'adoption, notamment en ce qui concerne l'adoption coutumière.

Unité familiale

(3) Dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone, est réévaluée régulièrement :

a) l'opportunité pour l'enfant qui ne réside pas avec une personne visée à l'alinéa (1)a) d'être placé auprès d'une telle personne;

b) sauf si l'enfant réside avec une personne visée à l'alinéa (1)a), l'opportunité pour l'enfant qui ne réside pas avec une personne visée à l'alinéa (1)b) d'être placé auprès d'une telle personne.

Attachement et liens affectifs

17 Dans le cadre de la fourniture de services à l'enfance et à la famille à l'égard d'un enfant autochtone, sont favorisés, dans la mesure où cela est compatible avec l'intérêt de l'enfant, l'attachement de l'enfant pour tout membre de sa famille avec lequel il n'est pas placé conformément aux alinéas 16(1)a) ou b) et les liens affectifs entre l'enfant et ce dernier.

Compétence en matière de services à l'enfance et à la famille

Affirmation

18 (1) Le droit inhérent à l'autonomie gouvernementale reconnu et confirmé par l'article 35 de la *Loi constitutionnelle de 1982* comprend la compétence en matière de services à l'enfance et à la famille, notamment la compétence législative en matière de tels services et l'exécution et le contrôle d'application des textes législatifs pris en vertu de cette compétence législative.

Dispute resolution mechanisms

(2) For greater certainty and for the purposes of subsection (1), the authority to administer and enforce laws includes the authority to provide for dispute resolution mechanisms.

Application of Canadian Charter of Rights and Freedoms

19 The *Canadian Charter of Rights and Freedoms* applies to an Indigenous governing body in the exercise of jurisdiction in relation to child and family services on behalf of an Indigenous group, community or people.

Laws of Indigenous Groups, Communities or Peoples

Coordination and Application

Notice

20 (1) If an Indigenous group, community or people intends to exercise its legislative authority in relation to child and family services, an Indigenous governing body acting on behalf of that Indigenous group, community or people may give notice of that intention to the Minister and the government of each province in which the Indigenous group, community or people is located.

Coordination agreement

(2) The Indigenous governing body may also request that the Minister and the government of each of those provinces enter into a coordination agreement with the Indigenous governing body in relation to the exercise of the legislative authority, respecting, among other things,

- (a) the provision of emergency services to ensure the safety, security and well-being of Indigenous children;
- (b) support measures to enable Indigenous children to exercise their rights effectively;
- (c) fiscal arrangements, relating to the provision of child and family services by the Indigenous governing body, that are sustainable, needs-based and consistent with the principle of substantive equality in order to secure long-term positive outcomes for Indigenous children, families and communities and to support the capacity of the Indigenous group, community or people to exercise the legislative authority effectively; and

Mécanismes de résolution des différends

(2) Pour l'application du paragraphe (1), il est entendu que l'exécution et le contrôle d'application comprend la compétence de prévoir des mécanismes de résolution des différends.

Application de la Charte canadienne des droits et libertés

19 La *Charte canadienne des droits et libertés* s'applique à tout corps dirigeant autochtone qui exerce la compétence en matière de services à l'enfance et à la famille pour le compte d'un groupe, d'une collectivité ou d'un peuple autochtones.

Texte législatif d'un groupe, d'une collectivité ou d'un peuple autochtones

Coordination et application

Avis

20 (1) Le corps dirigeant autochtone agissant pour le compte d'un groupe, d'une collectivité ou d'un peuple autochtones qui a l'intention d'exercer sa compétence législative en matière de services à l'enfance et à la famille peut en donner avis au ministre et au gouvernement de chacune des provinces où est situé le groupe, la collectivité ou le peuple.

Accord de coordination

(2) Ce corps dirigeant autochtone peut également demander au ministre et au gouvernement de chacune de ces provinces de conclure avec lui un accord de coordination concernant l'exercice de cette compétence portant notamment sur :

- a) la fourniture de services d'urgence nécessaires au bien-être et à la sécurité des enfants autochtones;
- b) des mesures de soutien permettant aux enfants autochtones d'exercer leurs droits efficacement;
- c) des arrangements fiscaux concernant la fourniture de services à l'enfance et à la famille par le corps dirigeant autochtone qui soient durables, fondés sur les besoins et conformes au principe de l'égalité réelle afin d'atteindre des résultats qui sont positifs à long terme pour les enfants, les familles et les collectivités autochtones et de soutenir la capacité du groupe, de la collectivité ou du peuple autochtones d'exercer efficacement la compétence législative;

(d) any other coordination measure related to the effective exercise of the legislative authority.

Application — sections 21 and 22

(3) Sections 21 and 22 apply only in respect of an Indigenous group, community or people on whose behalf an Indigenous governing body

(a) entered into a coordination agreement; or

(b) has not entered into a coordination agreement, although it made reasonable efforts to do so during the period of one year after the day on which the request is made.

Clarification

(4) For the purposes of paragraph 3(b), sections 21 and 22 apply beginning on the day after the day on which the period referred to in that paragraph ends.

Dispute resolution mechanism

(5) If the Indigenous governing body, the Minister and the government of each of those provinces make reasonable efforts to enter into a coordination agreement but do not enter into a coordination agreement, a dispute resolution mechanism provided for by the regulations made under section 32 may be used to promote entering into a coordination agreement.

New request

(6) If sections 21 and 22 do not apply in respect of an Indigenous group, community or people, nothing prevents the Indigenous governing body that has already made a request under subsection (2) on behalf of the Indigenous group, community or people from making a new request.

Coordination agreement entered into after one year

(7) For greater certainty, even if sections 21 and 22 apply in respect of an Indigenous group, community or people on behalf of which an Indigenous governing body has not entered into a coordination agreement, nothing prevents the Indigenous governing body from entering into a coordination agreement after the end of the period referred to in paragraph (3)(b).

Force of law

21 (1) A law, as amended from time to time, of an Indigenous group, community or people referred to in subsection 20(3) also has, during the period that the law is in force, the force of law as federal law.

d) toute autre mesure de coordination liée à un exercice efficace de la compétence législative.

Application des articles 21 et 22

(3) Les articles 21 et 22 ne s'appliquent qu'à l'égard du groupe, de la collectivité ou du peuple autochtones pour le compte duquel un corps dirigeant autochtone :

a) soit a conclu l'accord de coordination;

b) soit ne l'a pas conclu, mais a fait des efforts raisonnables à cette fin dans l'année qui suit la date de présentation de la demande.

Précision

(4) Pour l'application de l'alinéa (3)b), les articles 21 et 22 s'appliquent à compter de la date qui suit celle à laquelle expire la période visée à cet alinéa.

Mécanisme de résolution des différends

(5) Si le corps dirigeant autochtone, le ministre et les gouvernements de chacune de ces provinces font des efforts raisonnables pour conclure l'accord de coordination mais qu'ils ne le concluent pas, le mécanisme de résolution des différends prévu par les règlements pris en vertu de l'article 32 peut être utilisé afin d'en favoriser la conclusion.

Nouvelle demande

(6) Tant que les articles 21 et 22 ne s'appliquent pas à l'égard d'un groupe, d'une collectivité ou d'un peuple autochtones, rien n'empêche le corps dirigeant autochtone qui a déjà présenté une demande au titre du paragraphe (2) pour le compte de ce groupe, de cette collectivité ou de ce peuple d'en présenter une nouvelle.

Accord de coordination conclu après une année

(7) Il est entendu que, même si les articles 21 et 22 s'appliquent à l'égard d'un groupe, d'une collectivité ou d'un peuple autochtones pour le compte duquel un corps dirigeant autochtone n'a pas conclu l'accord de coordination, rien n'empêche le corps dirigeant autochtone de le conclure après l'expiration de la période visée à l'alinéa (3)b).

Force de loi

21 (1) A également force de loi, à titre de loi fédérale, le texte législatif, avec ses modifications successives, du groupe, de la collectivité ou du peuple autochtones visé au paragraphe 20(3), pendant la période au cours de laquelle ce texte est en vigueur.

Interpretation

(2) No federal law, other than this Act, affects the interpretation of a law referred to in subsection (1) by reason only that subsection (1) gives the law the force of law as federal law.

Application of federal laws

(3) No federal law, other than this Act and the *Canadian Human Rights Act*, applies in relation to a law referred to in subsection (1) by reason only that subsection (1) gives the law the force of law as federal law.

Conflict — federal laws

22 (1) If there is a conflict or inconsistency between a provision respecting child and family services that is in a law of an Indigenous group, community or people and a provision respecting child and family services — other than any of sections 10 to 15 of this Act and the provisions of the *Canadian Human Rights Act* — that is in a federal Act or regulation, the provision that is in the law of the Indigenous group, community or people prevails to the extent of the conflict or inconsistency.

Clarification

(2) The reference to a “federal Act or regulation” in subsection (1) does not include a reference to a law that has the force of law under subsection 21(1).

Conflict — provincial laws

(3) For greater certainty, if there is a conflict or inconsistency between a provision respecting child and family services that is in a law of an Indigenous group, community or people and a provision respecting child and family services that is in a provincial Act or regulation, the provision that is in the law of the Indigenous group, community or people prevails to the extent of the conflict or inconsistency.

Application to Indigenous children — exception

23 A provision respecting child and family services that is in a law of an Indigenous group, community or people applies in relation to an Indigenous child except if the application of the provision would be contrary to the best interests of the child.

Conflict — stronger ties

24 (1) If there is a conflict or inconsistency between a provision respecting child and family services that is in a law of an Indigenous group, community or people and a provision respecting child and family services that is in a law of another Indigenous group, community or people, the provision that is in the law of the Indigenous group,

Interprétation

(2) Les lois fédérales, autre que la présente loi, n'ont aucun effet sur l'interprétation du texte visé au paragraphe (1) du seul fait que ce paragraphe lui donne force de loi à titre de loi fédérale.

Application des lois fédérales

(3) Les lois fédérales, autre que la présente loi et la *Loi canadienne sur les droits de la personne*, ne s'appliquent pas relativement au texte visé au paragraphe (1) du seul fait que ce paragraphe lui donne force de loi à titre de loi fédérale.

Conflit — loi fédérale

22 (1) Les dispositions relatives aux services à l'enfance et à la famille de tout texte législatif d'un groupe, d'une collectivité ou d'un peuple autochtones l'emportent sur les dispositions incompatibles relatives aux services à l'enfance et à la famille, autres que les articles 10 à 15 de la présente loi et les dispositions de la *Loi canadienne sur les droits de la personne*, de toute loi fédérale ou de tout règlement pris en vertu d'une telle loi.

Précision

(2) Les mentions de « loi fédérale » et de « règlement pris en vertu d'une telle loi », au paragraphe (1), ne visent pas le texte législatif auquel le paragraphe 21(1) donne force de loi.

Conflit — loi provinciale

(3) Il est entendu que les dispositions relatives aux services à l'enfance et à la famille de tout texte législatif d'un groupe, d'une collectivité ou d'un peuple autochtones l'emportent sur les dispositions incompatibles relatives aux services à l'enfance et à la famille de toute loi provinciale ou de tout règlement pris en vertu d'une telle loi.

Application aux enfants autochtones — exception

23 La disposition relative aux services à l'enfance et à la famille de tout texte législatif d'un groupe, d'une collectivité ou d'un peuple autochtones s'applique à l'égard d'un enfant autochtone, sauf si son application est contraire à l'intérêt de l'enfant.

Conflit — liens plus étroits

24 (1) Les dispositions relatives aux services à l'enfance et à la famille de tout texte législatif d'un groupe, d'une collectivité ou d'un peuple autochtones avec lequel, compte tenu de sa résidence habituelle, ainsi que de son point de vue et de ses préférences, eu égard à son âge et à son degré de maturité, sauf s'ils ne peuvent être établis,

community or people with which the child has stronger ties — taking into consideration his or her habitual residence as well as his or her views and preferences, giving due weight to his or her age and maturity, unless they cannot be ascertained, and the views and preferences of his or her parent and the care provider — prevails to the extent of the conflict or inconsistency.

References to laws

(2) Subsection (1) also applies in respect of the provisions of a law that has the force of law under subsection 21(1).

Publication and Accessibility

Publication

25 The Minister must

(a) as soon as feasible after receiving a notice under subsection 20(1), or a request under subsection 20(2), post on a website the name of the Indigenous group, community or people on whose behalf an Indigenous governing body has given the notice or made the request, as the case may be, and the date on which the notice or request was received;

(b) as soon as feasible after a coordination agreement is entered into, post on a website the name of the Indigenous group, community or people on whose behalf an Indigenous governing body has entered into the coordination agreement and the date on which it was entered into; and

(c) as soon as feasible after receiving notice that a law made on behalf of an Indigenous group, community or people contains a provision respecting child and family services, post on a website the name of that Indigenous group, community or people and the date on which the law comes into force.

Accessibility

26 After receiving a copy of a law that contains a provision respecting child and family services made on behalf of an Indigenous group, community or people referred to in subsection 20(3), the Minister is to ensure that the law is made accessible to the public in any manner that the Minister considers appropriate, and to that end may publish the law, as amended from time to time, in the *Canada Gazette*.

et du point de vue et des préférences de son parent — mère ou père — et de son fournisseur de soin, l'enfant entretient des liens plus étroits que ceux qu'il entretient avec un autre groupe, une autre collectivité ou un autre peuple l'emportent sur les dispositions incompatibles relatives aux services à l'enfance et à la famille du texte législatif de cet autre groupe, de cette autre collectivité ou de cet autre peuple.

Précision

(2) Les dispositions des textes législatifs auxquels le paragraphe 21(1) donne force de loi sont également visées par le paragraphe (1).

Publication et accessibilité

Publication

25 Le ministre affiche les renseignements ci-après sur un site Web :

a) dès que possible après réception de l'avis visé au paragraphe 20(1) ou de la demande présentée au titre du paragraphe 20(2), le nom du groupe, de la collectivité ou du peuple autochtones pour le compte duquel l'avis a été donné ou la demande a été présentée et la date à laquelle l'avis ou la demande ont été reçus;

b) dès que possible après la conclusion de l'accord de coordination, le nom du groupe, de la collectivité ou du peuple autochtones pour le compte duquel il a été conclu et la date à laquelle il l'a été;

c) dès que possible après réception d'un avis attestant qu'un texte législatif comprenant des dispositions relatives aux services à l'enfance et à la famille a été pris pour le compte d'un groupe, d'une collectivité ou d'un peuple autochtones, le nom de ce groupe, de cette collectivité ou de ce peuple autochtones et la date à laquelle le texte est entré en vigueur.

Accessibilité

26 Après réception de la copie d'un texte législatif comprenant des dispositions relatives aux services à l'enfance et à la famille pris pour le compte d'un groupe, d'une collectivité ou d'un peuple autochtones visé au paragraphe 20(3), le ministre veille à ce que le texte soit rendu accessible au public de la façon qu'il estime indiquée et peut à cette fin le publier, avec ses modifications successives, dans la *Gazette du Canada*.

General

Role of Minister

27 The Minister may gather information respecting the child and family services that are provided in relation to Indigenous children and information about individuals in relation to whom those services are provided and facilitate the disclosure of that information to affected families and communities.

Agreements — information

28 The Minister may enter into agreements with a provincial government and any Indigenous governing body regarding the collection, retention, use and disclosure of information respecting the child and family services that are provided in relation to Indigenous children in order to, among other things,

(a) ensure that Indigenous children are identified as a First Nations person, an Inuk or a Métis person, as the case may be, and that their communities of origin and those of their parents are identified, when possible, when child and family services are provided in relation to them;

(b) support the improvement of those services; and

(c) facilitate the disclosure of that information to affected families and communities.

Powers of Minister

29 For the purposes of section 27, the Minister may disclose information respecting the child and family services that are provided in relation to Indigenous children and information about individuals in relation to whom those services are provided.

Disclosure of information

30 For the purposes of implementing an agreement referred to in section 28, a provincial government or a public body established under a provincial Act may collect and disclose information respecting the child and family services that are provided in relation to Indigenous children and information about individuals in relation to whom those services are provided.

Five-year review

31 (1) Every five years after the day on which this section comes into force, the Minister must, in collaboration with Indigenous peoples, including representatives of First Nations, the Inuit and the Métis, undertake a review of the provisions and operation of this Act.

Dispositions générales

Rôle du ministre

27 Le ministre peut recueillir des renseignements concernant les services à l'enfance et à la famille fournis à l'égard des enfants autochtones et des renseignements au sujet des individus à l'égard desquels ces services sont fournis et favoriser la communication de ces renseignements aux familles et aux collectivités en cause.

Accords — renseignements

28 Le ministre peut conclure avec le gouvernement de toute province et avec tout corps dirigeant autochtone des accords portant sur la collecte, la conservation, l'utilisation et la communication de renseignements concernant les services à l'enfance et à la famille fournis à l'égard des enfants autochtones, notamment en vue :

a) de faire en sorte que chaque enfant en cause soit identifié comme étant issu d'une première nation, un Inuit ou un Métis, selon le cas, et que ses collectivités d'origine et celles de ses parents soient identifiées, dans la mesure du possible, lorsque sont fournis à leur égard des services à l'enfance et à la famille;

b) d'appuyer l'amélioration de ces services;

c) de favoriser la communication de ces renseignements aux familles et aux collectivités en cause.

Pouvoirs du ministre

29 Pour l'application de l'article 27, le ministre peut communiquer des renseignements concernant les services à l'enfance et à la famille fournis à l'égard des enfants autochtones et des renseignements au sujet des individus à l'égard desquels ils sont fournis.

Communication de renseignements

30 Afin de mettre en œuvre les accords conclus en vertu de l'article 28, toute administration provinciale et tout organisme public constitué sous le régime d'une loi provinciale peut recueillir et communiquer des renseignements concernant les services à l'enfance et à la famille fournis à l'égard des enfants autochtones et des renseignements au sujet des individus à l'égard desquels ces services sont fournis.

Examen quinquennal

31 (1) Tous les cinq ans suivant la date d'entrée en vigueur du présent article, le ministre effectue, en collaboration avec les peuples autochtones, notamment avec des représentants de premières nations, des Inuits et des Métis, l'examen des dispositions et de l'application de la présente loi.

Provincial governments

(2) For greater certainty, when undertaking the review, the Minister may also collaborate with provincial governments.

Report

(3) The Minister must prepare a report on the review that sets out his or her conclusions and recommendations, including any improvements to the provisions of this Act that he or she recommends.

Tabling of report

(4) The Minister must cause the report to be tabled in each House of Parliament on any of the first 30 days on which it is sitting after the day on which the report is completed.

Regulations

Regulations

32 (1) If affected Indigenous governing bodies were afforded a meaningful opportunity to collaborate in the policy development leading to the making of the regulations, the Governor in Council may make regulations providing for any matter relating to the application of this Act or respecting the provision of child and family services in relation to Indigenous children.

Provincial governments

(2) For greater certainty, subsection (1) does not prevent provincial governments from collaborating in the policy development referred to in that subsection.

Transitional Provisions

Representations and party status

33 In the context of a proceeding referred to in section 13 that is pending on the day on which that section comes into force, the right referred to in that section may be exercised only if its exercise is consistent with the best interests of the child and is appropriate in the circumstances.

Regulations

34 (1) If affected Indigenous governing bodies were afforded a meaningful opportunity to collaborate in the policy development leading to the making of the regulations, the Governor in Council may make any regulations that the Governor in Council considers necessary to provide for any other transitional matter arising from the coming into force of this Act.

Gouvernements provinciaux

(2) Il est entendu que le ministre qui effectue l'examen peut aussi le faire en collaboration avec les gouvernements provinciaux.

Rapport

(3) Le ministre établit un rapport d'examen faisant état de ses conclusions et recommandations, y compris les améliorations qu'il recommande, le cas échéant, d'apporter à la présente loi.

Dépôt du rapport

(4) Il fait déposer le rapport devant chaque chambre du Parlement dans les trente premiers jours de séance de celle-ci suivant l'établissement du rapport.

Règlements

Règlements

32 (1) Le gouverneur en conseil peut prendre tout règlement régissant l'application de la présente loi ou concernant la fourniture de services à l'enfance et à la famille à l'égard des enfants autochtones si les corps dirigeants autochtones touchés ont eu l'occasion de collaborer de façon significative à l'élaboration des orientations préalables à sa prise.

Gouvernements provinciaux

(2) Il est entendu que le paragraphe (1) n'empêche pas les gouvernements provinciaux de collaborer à l'élaboration des orientations qui y sont visées.

Dispositions transitoires

Représentations et qualité de partie

33 Dans le cadre de toute procédure visée à l'article 13 qui est en cours à la date d'entrée en vigueur de cet article, le droit prévu à celui-ci ne peut être exercé que s'il est compatible avec l'intérêt de l'enfant et pertinent dans les circonstances.

Règlement

34 (1) Le gouverneur en conseil peut prendre tout règlement qu'il estime nécessaire concernant toute autre mesure transitoire qui découle de l'entrée en vigueur de la présente loi si les corps dirigeants autochtones touchés ont eu l'occasion de collaborer de façon significative à l'élaboration des orientations préalables à sa prise.

Provincial governments

(2) For greater certainty, subsection (1) does not prevent provincial governments from collaborating in the policy development referred to in that subsection.

Coming into Force

Order in council

35 The provisions of this Act come into force on a day or days to be fixed by order of the Governor in Council.

Gouvernements provinciaux

(2) Il est entendu que le paragraphe (1) n'empêche pas les gouvernements provinciaux de collaborer à l'élaboration des orientations qui y sont visées.

Entrée en vigueur

Décret

35 Les dispositions de la présente loi entrent en vigueur à la date ou aux dates fixées par décret.

This is Exhibit " X " to the Affidavit
of Anne Scotton sworn before me at
Thunder Bay on
the 12th day of February, 2020.

Jennifer Anne Gernat

A Commissioner for taking Affidavits

Jennifer Anne Genereux-Gernat, a Commissioner, etc.,
Province of Ontario, for the Government of Canada,
Department of Indian Affairs and Northern Development.
Expires April 24, 2020.



Federal Government's Commitment to Action for Indigenous Child and Family Services Reform

The Government of Canada is committed to the following specific actions to address the over-representation of Indigenous children and youth in care in Canada.

1. Continue to fully implement the orders from the Canadian Human Rights Tribunal including Jordan's Principle, and reform First Nations child and family services including moving to a flexible funding model.
2. Work with partners to shift the focus of programming to culturally-appropriate prevention, early intervention, and family reunification.
3. Work with our partners to support communities to draw down jurisdiction in the area of child and family services, including exploring co-developed federal legislation.
4. Participate and accelerate the work at tripartite and technical tables that are in place across the country in supporting reform.
5. Support Inuit and Métis Nation leadership in their work to advance meaningful, culturally-appropriate reform of child and family services.
6. Create a data strategy with provinces/territories and Indigenous partners to increase inter-jurisdictional data collection, sharing and reporting to better understand the rates and reasons for apprehension.

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