



First Nations Child & Family
Caring Society of Canada

January 4, 2022

Agreement in Principle Timeline on Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle



Background

On February 23, 2007, the First Nations Child & Family Caring Society and the Assembly of First Nations filed a human rights complaint alleging that Canada's chronic failure to equitably fund First Nations child welfare and approach to Jordan's Principle was discriminatory. On January 26, 2016, the Canadian Human Rights Tribunal substantiated the discrimination and ordered Canada to immediately cease its discriminatory conduct. The Tribunal has issued over 20 non-compliance and procedural orders since including one that required Canada to compensate victims of its discriminatory conduct. On September 29, 2021, the Federal Court dismissed Canada's appeal of the compensation order and filed a further appeal with the Federal Court of Appeal on October 29, 2021.

Following this, the Caring Society consented to Canada's request to pause the appeal for a short time. Negotiations between the Parties have reached an agreement to set out a non-binding plan for Canada to satisfy the Tribunal's orders to cease its discriminatory conduct and prevent its recurrence in the provision of child and family services and Jordan's Principle.

The Parties include the First Nations Child & Family Caring Society of Canada (Caring Society), Assembly of First Nations (AFN), Attorney General of Canada (on behalf of Canada), Chiefs of Ontario (COO) and Nishnawbe Aski Nation (NAN).

Agreement in Principle Timeline

December 31, 2021 – the Parties reach a non-binding Agreement in Principle setting out a process for long-term reform of the First Nations Child and Family Services (FNCFS) Program and the implementation of Jordan's Principle to end the discrimination found by the Canadian Human Rights Tribunal (Tribunal).

January 2022 – the Parties will file a motion for a consent order whereby Canada commits more prevention funding to support families to safely care for their children and supports for youth in care and formerly in care until age 26. The motion will confirm that these services, along with measures to prevent the Canadian government from harming future generations of First Nations children will be implemented as of April 1, 2022. These services will lessen the discrimination so the Tribunal could reasonably agree to ending the compensation date for First Nations child and family services as of March 31, 2022.

April 1, 2022 – Canada will fund prevention services, post-majority care to youth aging out of care and young adults who were formerly in care until age 26, assess assisting families and young adults receiving Jordan's Principle supports past the age of majority.

Summer/Fall 2022 – the Parties will seek to reach a Final Settlement Agreement that will be binding and will include a dispute resolution mechanism to hold Canada accountable after the Tribunal ends its jurisdiction.

November 30, 2022 – Following the completion of the Final Settlement Agreement, Canada will file the Final Settlement Agreement with the Tribunal and an affidavit showing how the Final Settlement Agreement and related implementation measures satisfy the Tribunal's order for Canada to cease its discriminatory practices and take measures to redress and prevent its recurrence. The Final Settlement Agreement will create a legally binding alternative dispute resolution process for its interpretation and application. This date may be altered due to unexpected events that seriously disrupt community participation in long term and sustainable solutions.

For more information on the Tribunal case and the latest updates, please visit fnwitness.ca.