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Via Email

September 17, 2021

Judy Dubois
Registry Officer
Canadian Human Rights Tribunal
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

Dear Ms. Dubois:

**Re: *First Nations Child and Family Caring Society et al v Attorney General of
Canada, Tribunal File: T1340/7008***
Response of the Attorney General of Canada

This letter is in response to Canada's commitment to provide an update on the status of long-term reform discussions and the Panel's correspondence of July 26, 2021. I would ask that you bring this letter to the attention of the Panel.

Since our last update on July 9, 2021, Canada, the Caring Society and the Assembly of First Nations (AFN) continued their confidential discussions on long-term reform of the First Nations Child and Family Services (FNCFS) Program. These discussions have been productive and will support the reform of the FNCFS Program.

As part of this progress, Canada has recently confirmed that it supports moving forward with the Phase 3 study proposed for the reform of the FNCFS Program by the Institute of Fiscal Studies and Democracy (IFSD), and will provide funds to the AFN for the completion of that study. This phase will test the modelling of a new funding formula and results framework developed by IFSD with some refinements worked through with the Parties. This testing and modelling will be conducted with a few FNCFS agencies and First Nations, selected through a First Nations led process. Under First Nations leadership, Phase 3 will offer insight into the implementation of a reformed child and family services system through multi-year, flexible funding and an outcomes-based measurement approach founded on community well-being and not removals. While Phase 3 is ongoing, Canada will continue to fund agencies at actual costs and continue to meet agency and community needs in accordance with the Tribunal's orders.

Canada acknowledges the Panel's letter decision of August 26, 2021, and is reviewing that decision.

Canada

Canada continues to work with the Nishnawbe Aski Nation (NAN) at the Remoteness Quotient Table, where productive discussions and further research on remoteness are ongoing. In August 2021, NAN and Canada finalized revised terms of reference for the Table. We understand that the NAN will be appending these terms of reference to their submission to the Tribunal.

Regarding Jordan's Principle implementation, we look forward to advancing the deliverables highlighted in the workplan submitted to AFN and Caring Society on August 27, 2021. This plan sets out immediate remedial actions to improve compliance in some areas in a manner that continues to uphold Jordan's Principle. Canada is committed to the full implementation of Jordan's Principle and to working with the Parties to develop longer term approaches to better address the needs of First Nations children.

Canada is optimistic that discussions with the Parties and our continued work with IFSD will lead to an agreement on a reformed FNCFS program that ensures sustainable, outcomes-based funding focused on prevention to support healthy children and families. We are looking forward to continuing to work together to build from the practical findings of Phase 3. Canada will provide a further update on long-term reform to the Tribunal by October 29, 2021, which will also include an update on the implementation of the 2021 CHRT 12 consent order.

Yours truly,



Anne McConville
Counsel for the Attorney General of Canada

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