

PROPOSED ADDITIONAL DEFINITIONS

1. ESSENTIAL SERVICES

“Essential Service” is a service requested from the federal government that is necessary for the safety and security of the child, the interruption of which would adversely impact the child’s ability to thrive, the child’s health, or the child’s personal safety. Determination of what is “essential” is informed by the principles of substantive equality and the best interests of the child.

2. SERVICE GAP

A service gap is deemed to exist where a child needed an essential service that was recommended by a professional with relevant expertise but would not have been considered to be a Jordan’s Principle case by Canada due to the federal government’s discriminatory definition throughout this time period,. For greater certainty, all children who had terminal illnesses and were in palliative care ought to have received essential recommended by professionals with relevant expertise through Jordan’s Principle where other federal programs could not provide the service or without incurring an unreasonable delay.

3. UNREASONABLE DELAY

“Unreasonable delay” is informed by the definition of “essential service”. It means any delay that adversely impacts the child’s ability to thrive, the child’s health, or the child’s personal safety. The parties intend to provide further guidance as to what time periods are “unreasonable” by providing normative ranges for particular types of services. What is “unreasonable” is also informed by the context (e.g. palliative situations or situations where children had severe chronic diseases), and the principles of substantive equality and best interests of the child.