



## **Overview of Indigenous Services Canada policy and program initiatives concerning Family and Child Welfare – Family Supports and Domestic Violence**

### **Prepared to provide information to the Commissioners of the National Inquiry into Missing and Murdered Indigenous Women and Girls under Rule 33**

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The Government of Canada is committed to pursuing a renewed nation-to-nation relationship based on recognition, rights, cooperation and partnership with Indigenous people in Canada. The renewed relationship will support reconciliation, children and families. This commitment guides the work of the government in key areas of health and social programs, including in child and family services, family violence prevention and others, to improve the socio-economic conditions of Indigenous children, families and communities.

Indigenous Services Canada (ISC) welcomes the opportunity to share its initiatives on child and family services and other supports to Indigenous children and families that are focused on improving outcomes and supporting child and family well-being.

#### **A. Overview of Child and Family Services**

There are a disproportionate number of Indigenous children in the Canadian child welfare system. In 2016, Indigenous children up to the age of 14 made up 7.7% of all Canadian children, yet represented 52.2% of children in foster care.<sup>1</sup> This includes approximately 9,000 First Nations children in care supported through the First Nations Child and Family Services (FNCFS) program administered by ISC.<sup>2</sup> The overrepresentation of Indigenous children in care, both on and off reserve, is rooted in broader social and historical issues including the intergenerational impacts of residential schools, poor housing conditions, substance use, poverty, mental health issues and exposure to family violence. For example, 7% of children in Canada live in poverty, but 38% Indigenous children are impoverished.<sup>3</sup> Close to 30% of all substantiated child maltreatment cases are related to a child's exposure to domestic violence.<sup>4</sup>

Gender-based violence has significant impacts on the experience of Indigenous children, and is one of the largest risk factors for children being removed from their homes. The First Nations Component of the Canadian Incidence Study of Reported Child Abuse and Neglect (2008) found that in investigations of child neglect and maltreatment by provincial agencies, 43% of women

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<sup>1</sup> 2016 Census topic: Aboriginal peoples <https://www12.statcan.gc.ca/census-recensement/2016/rt-td/ap-pa-eng.cfm>; Backgrounder - Child and Family Services [https://www.canada.ca/en/indigenous-services-canada/news/2018/01/media\\_brief\\_backgrounderchildfamilyservices.html](https://www.canada.ca/en/indigenous-services-canada/news/2018/01/media_brief_backgrounderchildfamilyservices.html)

<sup>2</sup> Data is as of March 31, 2017 and is retrieved from departmental internal data through the FNCFS Information Management System.

<sup>3</sup> Backgrounder – Child & Family Services [https://www.canada.ca/en/indigenous-services-canada/news/2018/01/media\\_brief\\_backgrounderchildfamilyservices.html](https://www.canada.ca/en/indigenous-services-canada/news/2018/01/media_brief_backgrounderchildfamilyservices.html); 2016 Census topic: Aboriginal peoples <http://www12.statcan.gc.ca/census-recensement/2016/rt-td/ap-pa-eng.cfm>

<sup>4</sup> First Nations Component of the Canadian Incidence Study of Reported Child Abuse and Neglect 2008 (FNCIS-2008) <http://cwrp.ca/publications/2280>, page 93



were considered at risk due to being victims of domestic violence and the same percentage of male caregivers were considered at risk due to being perpetrators of domestic violence.<sup>5</sup>

### **Indigenous Child and Family Services – Shared Areas of Responsibility**

The jurisdictional context for child and family services is complex. Matters related to health and child and family services have been recognized by the Courts as being within the legislative jurisdiction of the provinces (under subsections 92 (13) and 92(16) of the Constitution Act, 1867). In parallel, the federal government has jurisdiction over “Indians and lands reserved for Indians” under s. 91(24) of the Constitution Act, 1867 and has provided funding for child protection services on reserve through the First Nations Child and Family Services program.

Within that legal landscape, provinces/territories set legislation and standards for child protection or provide delegation of provincial authority to First Nations-led agencies to provide services on reserve. ISC funds First Nation Child and family services agencies (approximately 105 across 11 jurisdictions) which are established, managed and controlled by First Nations and delegated by provincial authorities to provide prevention and protection services. In areas where these agencies do not exist, ISC funds services provided by the provinces and Yukon.

Funding for First Nations and Inuit child and family services in Nunavut and the Northwest Territories is provided by the Department of Finance Canada through transfer payment agreements with the territorial governments that make up a portion of their annual budgets. Nunavut and the Northwest Territories decide how and where to spend the funds.

Given this multi-jurisdictional environment, issues of overlapping responsibility are prominent in the area of First Nations child and family services and require clear and timely communication and consultation between the different levels of government, First Nations, and FNCFS agencies.

### **Shift to Prevention-based Funding and Calls for Action**

Due to concerns about the increases in the numbers of children coming into care and as provinces began moving more towards prevention, the Enhanced Prevention Focused Approach (EPFA) was introduced in 2007 as a way to improve child and family outcomes. This federal funding model was to support First Nations delegated agencies and other service providers to provide prevention, early intervention, and alternatives to traditional institutional or foster care, such as the placement of children with family members in a community setting. This approach included a new funding stream for prevention activities, in addition to already existing funding for maintenance and operations. The objective was to support agencies to help children and families before they require a more intrusive approach to care, such as apprehension from the family home. This model was rolled out in Alberta (2007), Saskatchewan and Nova Scotia (2008), Quebec and Prince Edward Island (2009) and Manitoba (2010). As subsequent government budgets (between 2010 and 2015) did not identify additional funds for EPFA, ISC was unable to expand the model to the rest of the country at the time.

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<sup>5</sup> First Nations Component of the Canadian Incidence Study of Reported Child Abuse and Neglect 2008 (FNCIS-2008) <http://cwrp.ca/publications/2280>, executive summary xiii



At the same time, the Program also expanded its authorities to accommodate for expenditures related to post-adoption subsidies and kinship placements (where children are placed with extended family and close to the community). When a child can no longer stay with their parents and needs to be placed in care, kinship care is an effective alternative placement option that allows children to stay close to extended family, close to their community, and maintain their cultural connection.

Based on departmental evaluations, early results in prevention-based funding have shown promising prevention practices of certain FNCFS agencies serving First Nation communities.<sup>6</sup> Internal departmental data also shows an improvement in caseloads with a move from institutional and/or foster care placements to less intrusive and community-based options such as kinship care.<sup>7</sup>

However, in February 2007, the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society (Caring Society) filed a complaint with the Canadian Human Rights Commission regarding the funding of the FNCFS program. On January 26, 2016, the Tribunal found the FNCFS program to be flawed, inequitable and discriminatory under the *Canadian Human Rights Act*. The Tribunal ordered Canada to cease its discriminatory practices and to reform the FNCFS program and the 1965 Agreement in Ontario to reflect the findings in their decision and to cease applying its narrow definition of Jordan's Principle and to immediately implement the full meaning and scope of Jordan's Principle. Subsequent orders on remedies were made in 2016, 2017 and February 2018 related to the implementation of the FNCFS program and Jordan's Principle. The Government of Canada has accepted the rulings and has taken a number of steps to respond to the orders.<sup>8 9</sup>

The final report of the Truth and Reconciliation Commission (TRC) also included five Calls to Action specifically related to the overrepresentation of Indigenous children in care, which are the responsibility of the federal government, provincial/territorial governments, or both.<sup>10</sup> The Government of Canada has made a commitment to fully implementing the Calls to Action, including taking steps to further reform the Indigenous child welfare system.

### **Government's Commitment to Reform and Immediate Steps**

Work is underway for a full-scale reform of the First Nations Child and Family Services program to take concrete steps to ensure that child and family services are meeting the needs of Indigenous children and families.

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<sup>6</sup> Implementation Evaluation of the Enhanced Prevention Focused Approach in Manitoba for the First Nations Child and Family Services Program - <https://www.aadnc-aandc.gc.ca/eng/1431520132322/1431520217975>

<sup>7</sup> First Nations Child and Family Services program statistics of First Nations children in care on-reserve: National picture <https://www.aadnc-aandc.gc.ca/eng/1100100035204/1100100035205>

<sup>8</sup> CHRT Tribunal Decision and subsequent rulings – January 2016 <http://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/127700/1/document.do>; April 2016 <http://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/143741/1/document.do>; September 2016 <http://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/181627/1/document.do>; May 2017 <http://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/232587/index.do>; February 2018 <https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/308639/index.do?r=AAAAAQZmVicnVhcncgMSwgMjAxOAE>

<sup>9</sup> Canada's actions since the CHRT Decision <https://www.sac-isc.gc.ca/eng/1500661556435/1533316366163>.

<sup>10</sup> Truth and Reconciliation Commission of Canada: Calls to Action [http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls\\_to\\_Action\\_English2.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf)



In late 2015 the Prime Minister mandated the Minister of Indigenous and Northern Affairs Canada to work with Indigenous Peoples to establish a nation-to-nation relationship, based on recognition, rights, respect, co-operation, and partnership, and to make real progress on the issues most important to them (such as the critical issue of child welfare).

The Minister of ISC has since been mandated by the Prime Minister to ensure a consistent, high quality, and distinctions-based approach to the delivery of services to Indigenous Peoples and to develop, and implement an improved response to the provision of child welfare that focuses on prevention, family preservation and well-being and community wellness.<sup>11</sup>

As a first step, Budget 2016 invested an additional \$634.8 million over five years and \$176.8 million ongoing for the FNCFS program to address immediate funding gaps and provide greater support for prevention services and front-line service delivery. Budget 2016 also expanded prevention-based funding across all eleven jurisdictions. With increased funds, this provided for more child and family services staff and resources on the ground including prevention staff (who work with families in need and can provide early intervention supports), intake and investigations, and off-hour emergency services. Funding also increased for “child service purchase”, which allows an agency to purchase services outside the agency’s day to day operations and often prevents a requirement to place children in specialized high cost care setting. These eligible costs can range from hiring professional services (e.g. a speech pathologist), to organizing parenting workshops, or supporting families in need for groceries or utility bills. For Ontario, Yukon and Newfoundland and Labrador, a portion or all of the new funding was redirected to the communities for prevention-based activities, as per bilateral/tripartite discussions.<sup>7</sup> Additional investments were also made in 2016-2017 and 2017-2018 to further respond to CHRT orders, including investments for small agencies and prevention work with families at risk, as well as providing funding opportunities to each First Nations child and family service agency to identify their distinct needs and develop a cultural vision for their programming.

Canada made significant investments through Budget 2018, with an additional \$1.4 billion over six years, starting in 2017-18, to address funding pressures facing First Nations child and family service agencies, while also increasing prevention resources for communities so that children are safe and families can stay together. More details on Budget 2018 investments are described below under “Reform to Date and Implementation of Canada’s Six Points of Action”.

### **Multi-pronged Engagement with Partners on Reforming the System**

A full-scale reform of the FNCFS program and improving the Indigenous child welfare system requires comprehensive engagement with Indigenous partners and stakeholders across the country, and with provincial and territorial partners. This approach is consistent with the

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<sup>11</sup> Minister of Indigenous Services Canada mandate letter <https://pm.gc.ca/eng/minister-indigenous-services-mandate-letter>

<sup>7</sup> In Yukon, the Yukon Government is the service provider for all First Nations however following Budget 2016, a portion of the funding flows to Council of Yukon First Nations to undertake prevention-based activities (the remainder goes to Yukon government for Operations funding). In Newfoundland and Labrador, the government is the service provider to the two Innu communities. Following Budget 2016, the new funding was provided to Innu Round Table Secretariat for prevention-based programming. In Ontario, given the unique context of the Ontario 1965 Agreement, it was determined by the political confederacy for funds to go directly to communities



Government of Canada's commitment to a nation-to-nation relationship, foundational to reconciliation with Indigenous Peoples and supports meaningful change to improve the well-being of First Nations children, families, and communities. As part of the commitment to taking action on child welfare with First Nations to co-develop the vision for the way forward, ISC undertook a range of regional and national engagement activities to gather information on what needs to change and how.

Beginning in fall of 2016, ISC led a multi-pronged engagement process to seek input from a range of partners about how to improve First Nations child and family services and what program reform would look like.<sup>12</sup> This engagement plan has allowed ISC to hear from FNCFS agencies, other front-line service providers, communities, youth and families, leadership and organizations, as well as provincial and Yukon governments.

Through this engagement process to date, ISC is obtaining valuable input to support the reform of child and family services on reserve. There are a number of processes completed or in place as part of this engagement process:

#### National Advisory Committee on FNCFS Reform

In 2016, the Government of Canada supported the re-establishment of the National Advisory Committee (NAC) on First Nations Child and Family Services Program Reform. Representation includes the Assembly of First Nations and the First Nations Family and Caring Society, as well as current or former First Nations child and family services directors. The mandate of the NAC is to provide advice to First Nations leaders and agencies and to the Minister of Indigenous and Northern Affairs (now ISC) on the reform of the FNCFS program.<sup>13</sup>

The NAC submitted an Interim Report to ISC in January 2018 with a wide range of recommendations on the reform of the Program.<sup>14</sup> ISC is collaborating with the Committee on the implementation of these recommendations, and reported back on steps taken on each one of the recommendations at the July 2018 NAC meeting.

#### Online Survey

In 2017, ISC launched an online survey to ask people how to reform and improve the FNCFS program. The survey opened in February 2017 and closed on April 30, 2017 and was designed to reach out to people who did not have the opportunity to meet with ISC as part of the engagement on the reform of First Nations child and family services. More than 400 people across the country responded to the survey and the summary report is available online.<sup>15</sup>

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<sup>12</sup> Engagement Process on Reform - <https://www.sac-isc.gc.ca/eng/1478808657410/1533314955002>

<sup>13</sup> NAC Terms of Reference - <https://www.afn.ca/wp-content/uploads/2017/05/NAC-Final-Terms-of-Reference.pdf>

<sup>14</sup> NAC Interim Report - [https://www.afn.ca/wp-content/uploads/2015/06/National-Advisory-Committee-Interim-Report-Final\\_18-01-24.pdf](https://www.afn.ca/wp-content/uploads/2015/06/National-Advisory-Committee-Interim-Report-Final_18-01-24.pdf)

<sup>15</sup> Survey Summary Report: <https://www.aadnc-aandc.gc.ca/eng/1530823640599/1530823681238>



### Regional/tripartite table discussions

ISC has re-invigorated regional table discussions in every region, involving First Nations leaders, organizations and provinces, to discuss funding gaps, and new models of governance and service delivery. This includes:

- British Columbia: First Nations Leadership Council Tripartite Working Group; and,
- Alberta: Senior Officials Steering Committee (SOSC) and Technical Working Group
- Saskatchewan: Regional Table<sup>16</sup>
- Manitoba: Regional Advisory Committee and Funding Model Working Group
- Ontario: Technical Table on Child and Family Well-Being
- Quebec: Regional Roundtable and Tripartite Working Group Table
- Nova Scotia: Tripartite Working Group
- New Brunswick: Tripartite Aggregation Working Group
- Prince Edward Island: Policy and Planning Forum
- Newfoundland and Labrador: Innu Round Table Secretariat
- Yukon: the Council of Yukon First Nations Tripartite Table

As part of this engagement process, funding was also provided to Indigenous Regional Organizations including the Assembly of Manitoba Chiefs, the Federation of Sovereign Indigenous Nations Health and Social Secretariat in Saskatchewan and the First Nations of Quebec and Labrador Health and Social Services Commission to engage with communities in their regions. In the territory of Yukon, the Kwanlin Dun and Aishihik First Nations led the regional engagement sessions on child and family services reform with input from the fourteen First Nations and other relevant territorial stakeholders. Each Indigenous Regional Organization produced an engagement report to outline the findings of their engagement and share knowledge and expertise on options for reform.

ISC has also reviewed existing provincial and regional reports to help inform on potential options on reform, including the final report by Special Advisor Grand Chief Ed John, *Indigenous Resilience, Connectedness and Reunification- From Root Causes to Root Solutions*,<sup>17</sup> commissioned and funded by the province of British Columbia. In addition, ISC has reviewed older reports that are still relevant in the context of reform, such as the *Wen: De* reports

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<sup>16</sup> Federation of Sovereign Indigenous Nations is also in the process of reestablishing a leadership council

<sup>17</sup> Final Report of Special Advisor Grand Chief Ed John - <http://fns.bc.ca/wp-content/uploads/2017/01/Final-Report-of-Grand-Chief-Ed-John-re-Indig-Child-Welfare-in-BC-November-2016.pdf>





developed by the National Advisory Committee on First Nations Child and Family Services in 2005.<sup>18</sup>

### Minister's Special Representative

Minister Bennett, of Indigenous and Northern Affairs Canada, appointed Dr. Cynthia Wesley-Esquimaux as a Minister's Special Representative in 2016-2017 to engage with First Nations leadership, communities and youth, agencies and other service providers, and provinces/Yukon on how to reform the FNCFS program and to discuss promising practices and short and long-term solutions. Engagement took place between November 2016 and March 2017 where the Minister's Special Representative visited each of the 11 jurisdictions and listened to the various perspectives on what is required to change and reform the current FNCFS program across Canada. Meetings were held with First Nation governments, each provincial government and territorial government's senior management and officials, child advocates, child representatives, Elders, Chiefs, delegated agencies and agency directors, youth, parents, involved family and community members. A final report on this engagement process is available online.<sup>19</sup>

Following this engagement ISC received a number of proposals and calls from communities to begin new ways of delivering child and family services that better meet child, family and community needs.

In 2017-2018, ISC began to support some community well-being projects that would test models for reform. Some examples included Grandmother's circles, family preservation and unification workers, parenting programs, and land-based cultural activities for youth. The list of projects funded in 2017-2018 is found at Annex A.

### Emergency Meeting on First Nations, Métis Nation, and Inuit Child and Family Services

Minister Philpott hosted an emergency national meeting on Indigenous Child and Family Services, Children and Families Together, in Ottawa, Ontario from January 25th to 26th, 2018.<sup>20</sup> The meeting provided an opportunity for federal, provincial and territorial governments and Métis, Inuit and First Nations leaders, Elders, youth, community service organizations and advocates to chart a future path together to urgently address the Indigenous child welfare crisis in Canada. Discussions focused on the key causes that lead to high rates of Indigenous children in care and what reforms are needed to address these causes. Required solutions were discussed related to:

- effective collaboration based on partnerships;
- transference of jurisdictional control and legislative reform;
- adequate, flexible funding;
- culturally appropriate, prevention-based, needs-based service delivery; and,
- data strategies to support effective solutions.

<sup>18</sup> Wen:De: We are Coming to the Light of Day - <https://fncaringsociety.com/sites/default/files/docs/WendeReport.pdf>;

Wen:De: The Journey Continues <https://fncaringsociety.com/sites/default/files/docs/WendeJourneyContinues.pdf>

<sup>19</sup> See report at <https://www.sac-isc.gc.ca/eng/1507122976766/1533315997269>.

<sup>20</sup> See report at <https://www.sac-isc.gc.ca/eng/1531151888537/1531152018493>.



Participants expressed a strong commitment to advance the rights of First Nations, Inuit and Métis children and youth in care. Coming out of the meeting, the Government of Canada committed to the following **Six Points of Action**,<sup>21</sup> which guide current program reform efforts:

- Continuing the work to fully implement all orders of the Tribunal, and reforming child and family services including moving to flexible funding models;
- Shifting the programming focus to prevention and early intervention;
- Supporting communities to draw down jurisdiction for child and family services from the provinces/Yukon and explore the potential for co-developed federal child welfare legislation;
- Accelerating the work of the regional tripartite/technical tables involving First Nations and the provinces/Yukon;
- Supporting Inuit and Métis Nation leadership to advance culturally-appropriate reform; and,
- Developing a data and reporting strategy with provinces, territories and Indigenous partners.

### What we heard

Key themes have been consistently identified throughout the various engagement forums and reports. These include:

- the **revitalization of language and culture** for example, including a return to traditional teachings and ceremonies, reinstating the role of Grandparents and Elders to implement customary care and a zero apprehension rate;
- **community prevention and healing** for example, Grand Chief Ed John's report calls for the development of a method to equitably fund prevention services in communities;
- addressing **broader social determinants of health and community well-being**; for example, the First Nations of Quebec and Labrador Health and Social Services Commission's report draws attention to addressing housing need in First Nations;
- **restoration of jurisdiction and authority** to First Nations communities across Canada;
- **equitable funding and change in how FNCFS agencies are funded**;
- **fully flexible funding models** that might include block or global funding, and an approach that also sees funding going directly to communities to do prevention work
- **development of national standards, policies, practices and laws** that reflect the wise practices and living conditions, culture and traditions of Indigenous Peoples across Canada;

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<sup>21</sup> See news release at [https://www.canada.ca/en/indigenous-services-canada/news/2018/01/federal\\_governmentcommitstosixpointsofactioninworkingwithindigen.html](https://www.canada.ca/en/indigenous-services-canada/news/2018/01/federal_governmentcommitstosixpointsofactioninworkingwithindigen.html).





- **providing training on cultural appropriateness and sensitivity** for agencies, organizations, or non-Indigenous caregivers working with First Nations, Inuit and Métis children and youth;
- **renewal of relationships** between the Indigenous Peoples of Canada, every provincial/Yukon ministry and the Government of Canada;
- **better family support services**, including diversity-based, culturally-sensitive services for Indigenous parents and their children; and
- **more support for kinship and customary care**, and for **permanency** for children who are placed in care.

### Key Challenges

Other issues arose throughout the engagement process that were identified as challenges that require collaborative and well-coordinated approaches by all levels of government and Indigenous partners to enact change over the long term.

### *Data Gaps*

Data gaps, comparability across jurisdictions, and getting to the right kind of data was a challenge raised through engagement. As provinces and territories generally have responsibility over child welfare services, each government currently has varying definitions and methods of tracking their data due to their differing standards, policies and legislation. Census data provides a national number of Indigenous children in foster care, but this data is restricted to children residing in private homes and is not inclusive of those in group or institutional homes. The Census is also self-reported unlike provincial and territorial data which is collected by child case professionals. There are also gaps in the Census related to data collected on-reserve. This means the Census does not paint a complete picture and as a result, there is no ability to produce a simple count of Indigenous children in care at a national level.

This challenge echoes the second Call to Action from the TRC, which calls on the Government of Canada, in collaboration with the provincial and territorial governments, to publish annual reports on the number of First Nations, Inuit and Métis children in care as compared with non-Indigenous children. It also aligns with the government's sixth point of action to create a data strategy in partnership with provincial, territorial and Indigenous partners aimed at increasing inter-jurisdictional data collection, sharing and report to better understand the rates and reasons for apprehension. This could help to determine the efficacy and quality of supports, and inform evidence-based policies and programs in child welfare.

In addition, ISC is updating its own data collection processes, particularly in the area of prevention. Understanding the impact and the result of the transition of the program from a focus on protection to prevention is imperative to provide informed recommendations to Parliament and Canadians on how to reduce the number of Indigenous children in care. This data will also be shared with First Nation agencies and communities so they are able to better plan and meet their desired child and family outcomes.



### *Jurisdiction and National Culturally Appropriate Standards*

Some Indigenous partners have called for federal legislation that could establish national standards for Indigenous child welfare. This would respond directly to the fourth Call to Action from the Truth and Reconciliation Commission, and supports discussions from the Emergency Meeting on the importance of First Nations exercising jurisdictional control and of affirming the right to self-determination, and the establishment of culturally appropriate principles for Indigenous children in care. Although initial discussions indicate that there is an appetite for federal legislation among Indigenous communities and partners, no clear consensus has yet emerged as to what such legislation could include. Additional information about potential legislation is included later in this paper.

Currently, the extent to which Indigenous culture and identity is considered in child welfare varies across the country due to varying provincial and territorial standards. Some provinces have undertaken reviews of their child welfare legislation and made significant alterations to incorporate culturally appropriate standards, such as in Nova Scotia where the *Child and Family Services Act* was reviewed based upon extensive consultations during 2015. This resulted in several amendments to the legislation including on cultural identity in the preamble, notification to Band, cultural connection plan, and customary care (including a priority of placement options - relative, kin, community or community foster home and customary adoption).

There are also multiple First Nations who are developing models or have developed models to affirm their jurisdiction over children and child welfare. For example, the Splatshin in British Columbia have had a by-law under the *Indian Act* since 1980 for child and family services. Others who are taking steps include the Wet'suwet'en in British Columbia and the Anishinabek Nation in Ontario.<sup>22</sup>

### **Reform to Date and Implementation of Canada's Six Points of Action**

The Government of Canada has launched a series of reform initiatives in support of the Six Points of Action as informed by the engagement process, as well as the ongoing implementation of the CHRT orders, and the TRC Calls to Action. These initiatives aim to transform the delivery of Indigenous child welfare so that it is child-centered, community-directed and focused on prevention.

Since the Emergency Meeting in January 2018, the Government of Canada continues to work with partners to fulfill the commitments made under the Six Points of Action. Specific actions to date include:

- significant new investments made through Budget 2018;
- work on the implementation of the CHRT orders;
- signed agreements with First Nations leaders and organizations on exploring jurisdiction;
- engagement to explore the co-creation of options for potential federal legislation;
- beginning discussions with Inuit and Métis leadership; and

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<sup>22</sup> Draft Anishinabek Nation Child Well-Being Law - <http://www.anishinabek.ca/wp-content/uploads/2016/07/AN-Child-Wellbeing-Law-may-2016.pdf>



- funding Community Well-Being and Jurisdiction initiatives.

Details on these specific actions are addressed below.

### Budget 2018

Building on Budget 2016 investments, Budget 2018 sets the stage for the transformation of First Nations child and family services to focus on prevention, family preservation and wellbeing, and community wellness with a commitment of an additional \$1.4 billion over 6 years, starting in 2017-18. Specifically, this includes:

- accelerating Budget 2016 funds to meet the immediate service delivery needs for First Nations children and families<sup>23</sup>;
- Responding to the CHRT's orders about funding First Nations child and family services agencies on actual costs in the best interest of the child;
- Providing a dedicated new Community Well-Being and Jurisdiction Initiatives (CWJI) stream of funding to support First Nations communities to lead the development and delivery of prevention services and to assert greater control over the well-being of their children and families;
- Addressing funding pressures related to maintenance costs (costs associated to children coming into care, such as foster care rates)
- Continuing to support engagement and tripartite tables

This funding is in addition to Budget 2016 investments and brings total FNCFS program funding allocations for 2018-2019 to over \$1.1 billion dollars.

### Implementing the CHRT Orders

In response to the CHRT ruling of February 1, 2018, Canada sent a letter to FNCFS agencies to communicate that ISC will immediately begin to cover the actual costs in prevention, intake and assessment, legal fees, building repairs, child service purchase and small agency costs (in all areas), as well as Band Representatives, and mental health for First Nations youth, in Ontario retroactively to January 26, 2016, and going forward.<sup>24</sup>

In addition, ISC has:

- Extended the term of the National Advisory Committee on First Nations Child and Family Services Program Reform (NAC) to April 2019;
- Signed a consultation protocol with the Assembly of First Nations (AFN), First Nations Family and Child Caring Society, Canadian Human Rights Commission, Chiefs of Ontario, and Nishnawbe Aski Nation and held several meetings to date through an established Consultation Committee on Child Welfare (See Annex B for protocol);

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<sup>23</sup> As recommended by the National Advisory Committee

<sup>24</sup> Statement by Minister Philpott on immediate actions to respond to the February 1, 2018 CHRT orders  
[https://www.canada.ca/en/indigenous-services-canada/news/2018/02/statement\\_by\\_ministerphilpottonthefebbruary1canadianhumanrightstr.html](https://www.canada.ca/en/indigenous-services-canada/news/2018/02/statement_by_ministerphilpottonthefebbruary1canadianhumanrightstr.html)



- Worked with the AFN to contract the Institute for Fiscal Studies and Democracy (IFSD) at the University of Ottawa to analyze agency needs to inform the development of an alternative funding system, which is expected to be completed by December 2018;

ISC is also in the process of updating existing program terms and conditions to increase flexibility and reflect ISC's improved response to prevention.<sup>25</sup>

ISC will continue to work closely with the Consultation Committee on Child Welfare to fully implement the orders.

### Community Well-Being and Jurisdiction Initiatives

As part of Budget 2018 investments, ISC now has a new funding stream to fund Community Well-Being and Jurisdiction Initiatives (CWJI) across the country, to support First Nation communities in developing and delivering prevention services and working to improve the well-being of children and families and explore jurisdictional models. Eligible recipients include First Nations communities, Tribal and Band Councils, health or social service organizations such as health centres or other community services. Projects can be up to five years in duration, and can be designed to work independently or in collaboration with prevention activities provided by FNCFS agencies or other service providers. The current funding envelope for CWJI projects is approximately \$105 million for 2018-2019. Funding for CWJI projects is determined at the regional level based on engagement with First Nation partners (including tripartite tables) and on the specific needs, circumstances and goals of the community.

A list of community-based and jurisdiction initiatives funded to date in 2018-2019 is found at Annex C.

### Examples of Promising Practices of Community Well-Being and Jurisdiction Initiatives

#### *Child Advocate Office in Manitoba*

The Assembly of Manitoba Chiefs officially opened the Manitoba First Nations Family Advocate Office (FNFAO) on June 1st, 2015. The need for an advocacy office was determined through community consultation in which hundreds of First Nations community members shared challenges for individuals, their families and communities. The information gathered from the community engagement sessions prompted a report entitled "Bringing Our Children Home"<sup>26</sup> that offered recommendations that would immediately address many of the issues and concerns identified in the community engagement sessions.

The FNFAO is an added mechanism to implement the recommendations of the report and ensure that support is offered to children and families. The Office assists families by challenging existing jurisdictions, policies, laws and organization using Indigenous knowledge, customary laws, traditions and belief systems to create positive change for children, families and

<sup>25</sup> Program Terms and Conditions will be further updated/revised following the work of IFSD and development of a new funding system.

<sup>26</sup> Report - <https://manitobachiefs.com/wp-content/uploads/2017/11/Bringing-Our-Children-Home-Final-Report-June-2014.pdf>.



communities. By advocating action through prevention, education, culture and collaboration, the Office works to empower First Nations individuals, families and communities while ensuring improved health, support, care and safety for children.

ISC provided \$800K in funding to the Advocate's Office in 2017-2018 to support a proposal to expand its advocacy services.<sup>27</sup> An additional \$2.1 million was provided in 2018-2019 to continue the work of the office. The funding will be used to expand the advocacy role of the Child Advocate Office and to support families who have brought, or who are bringing, their children home after a period of time in child and family services care. Through support for this initiative, the Government of Canada is also reaffirming its commitment to the Assembly of Manitoba Chiefs' Grandmothers Council and the important role the Grandmothers will have in revitalizing traditional parenting ways, providing traditional knowledge as community customary care models are planned, and taking the lead role in preventing newborn apprehensions.

#### *Ma Mawa We Chi Itata Centre : Family Group Conferencing<sup>28</sup>*

Established in 1984 in Winnipeg, Ma Mawi Wi Chi Itata, offers community based programs and services and has over 30 years of experience working with Indigenous families. It uses Family Group conferencing, a Maori wise practice which has been successful in New Zealand with outcomes that includes reducing the number of children in care by provision of adequate resources.

In November 2017, the Family Group Conference Program expanded with an investment of \$2.5 million dollars over 3 years from the Winnipeg Foundation, Province of Manitoba and Government of Canada. The expansion will allow for: 445 Family Group Conferences, impacting approximately 1,215 children both in care and preventing children from coming into care.

Family Group Conferencing is an Indigenous model of care that utilizes ceremony to support traditional Indigenous ways to support and empower the voice of families to become the decision makers in the safety and protection of their children while mandated and non-mandated services engage by supporting the family plan. Success is based on children being reunited with their parents and/or family members with the ultimate goal of the child(ren) no longer being in care of the child and family services system.

ISC confirmed a contribution of \$150,000 in 2017-2018 and continued funding in 2018-2019 of \$175,000 to support a family centered, culturally appropriate community based model using Family Group Conferencing for Indigenous families residing on reserve or migrating to urban centres. The focus will be to work with key family members, Child and Family Services and other supports/resources to develop a supportive plan for the child and family.

Successful outcomes with one of their programs – CLOUT (Community Lead Organizations United Together - a foster care program for Indigenous families focused on family reunification)

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<sup>27</sup> News Release on Child Advocate Office in Manitoba - [https://www.canada.ca/en/indigenous-northern-affairs/news/2017/10/federal\\_governmentsupportingmanitobafirstnationsplanthatfocuson.html](https://www.canada.ca/en/indigenous-northern-affairs/news/2017/10/federal_governmentsupportingmanitobafirstnationsplanthatfocuson.html)

<sup>28</sup> Ma Mawa We Chi Itata Centre - <http://www.mamawi.com/family-group-conferencing/>



over a five-year period (2010-2015) enrolled 182 children of which 154 were reunited with family within 3-6 months (84%). Out of the 154 only 14 children returned to child protection for safety concerns (9%).

Key findings from Year 1 funding between April 1, 2017 to March 1, 2018:

- 58 families registered in the Family Group Conference Program
- 151 children in care engaged in the Family Group Conference Program
- 19-Family Group Conferences completed | 33 children impacted
- Of the 33-children: 31 have been reunited with family
- (2-children remain in care temporarily)
- 93% reunification rate
- Daily cost savings to the child welfare system for 31 children reunited is: \$2,015/day | \$735,475/year when they remain out of care
- 39 families in various stages of Family Group Conferencing
- 118 children in care waiting for Family Group Conferencing

Key Finding to date: April 1, 2017 to August 31, 2018:

- 102 families currently registered in the Family Group Conference Program
- 274 total number of children involved in the Family Group Conference Program
- 194 Children with a Child in Care Status
- 32 children placed in Kinship Homes In Care Status
- 40 children prevented from coming into Child and Family Services Care
- 40 Children fully reunited with parent(s) no longer in care
- 169 Children in different stages of Family Group Conference with the goal of reunification within the next 3-6 months
- All completed Family Group Conferences to date has resulted in a plan of reunification to Parent(s) and or Family member
- 4 family file closures due to one year in the Monitor and Review Stage with no further CFS Involvement.
- Daily cost savings to the child welfare system for 80-children reunited/prevented: \$4960.00/day \$1,810,400/year for each year they remain out of care (*based on average rate \$65/day*).
- Cost Savings of Foster Home Rate to Kinship Rate based on 32 children who are in Kinships Care: Foster Care Rate: \$2080.00/Day to Kinship Rate \$768/Day. Foster Home Rate for every year they remain in their care for up to one year: \$759,200 compared to Kinship Rate after one year: \$280,320. Cost Savings: \$478, 880 (*based on a \$65/day rate for Foster Home to Kinship Basic Rate of \$24/day*)

### *The Stikine Wholistic Working Group*

Three First Nations in British Columbia (Tahltan, Kaska, Tlingit) through the Stikine Wholistic Working Group (SWWG) are trailblazing a new best practice in social policy and innovation.





The SWWG has been recognized as a provincial and international best practice for its work that builds healthy communities by using local expertise to restore traditional practices and networks of support.<sup>29</sup> The Stikine region of BC is seen as likely the only jurisdiction in Canada to have reduced their children in care by 50%. Relations with Ministry social workers also improved significantly.

A new partnership between Canada and the 3-Nations will significantly further and transform a holistic community based approach for children and families—not just for the Kaska, Tahltan and Tlingit, but has the potential to impact programming for all First Nations families.

Minister Philpott has lauded the work of the SWWG, stating in correspondence with the organization’s leadership that: “The Stikine Wholistic Working Group’s approach to building healthy communities, by empowering local expertise to restore traditional practices and networks of support is commendable, and provides an example to other First Nations communities and government policy. The successful experience of the Stikine Wholistic Working Group in developing social policy on sustainable community-based service delivery complements and fully aligns with ISC’s six points of action that were committed to at the Emergency Meeting”.

#### Exploring co-creation of options for potential legislation

Throughout summer 2018, the Government of Canada has been engaging with national, regional, and community organizations representing First Nations, Inuit and the Métis Nation, as well as Treaty Nations, provincial and territorial governments, experts and those with lived experience, to co-create options for potential federal legislation. This engagement includes a series of activities bringing together national, regional Indigenous organizations, experts, child advocates, youth and women.

As of September 24, 2018, 61 sessions have been held; 16 were led by Minister Philpott and 45 were organized by ISC. The co-creation process is expected to produce options for a legislative approach that sets the stage for comprehensive reform.

This process builds on Canada’s commitment to support Indigenous Communities in exercising their jurisdiction, as outlined in the Six Points of Action announced at the Emergency Meeting and further builds on the commitment Canada made at the Assembly of First Nations’ Special Chiefs Assembly in May 2018 to address this particular point of action.

While the engagement process is still ongoing, what we are hearing so far calls for a recognition of the rights of Indigenous children, families and communities and high-level principles that would reflect the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Convention on the Rights of the Child. The need for mechanisms enabling the exercise of jurisdiction on child and family services has also been raised, along with the necessity for stable, sustainable and predictable funding that emphasizes prevention rather than apprehension.

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<sup>29</sup> International Institute for Child Rights and Development - <http://www.iicrd.org/projects/coming-home-evaluation-report-stikine-wholistic-working-group>; BC Ministry of Children and Family Development [https://archive.news.gov.bc.ca/releases/news\\_releases\\_2009-2013/2010cfd0016-000775.htm](https://archive.news.gov.bc.ca/releases/news_releases_2009-2013/2010cfd0016-000775.htm)



The Government of Canada will not impose legislation. This ongoing engagement process seeks to clarify whether co-created options for potential federal legislation can be a useful tool to affirm the rights of First Nations, Inuit and Métis children and families and, if so, what the legislation could include.<sup>30</sup>

#### Agreements with First Nations Leaders and Organizations on Exploring Jurisdiction.

As a key step towards fulfilling self-determination objectives of Indigenous Peoples, Canada has signed a number of Memorandums of Understanding (MOUs) with participating Indigenous groups transferring jurisdiction for child and family services. For example, most recently Canada signed a MOU with Secwepemc (Shuswap) Nation Tribal Council and the province of British Columbia to explore the potential for federal and provincial enabling legislation to support jurisdiction over child and family services at the Nation level.<sup>31</sup> This MOU provides a framework that charts the path forward in recognizing and implementing Secwépemc jurisdiction. Another example is in Manitoba, where Canada signed an agreement with the Assembly of Manitoba Chiefs and the Province of Manitoba to recognize and reaffirm jurisdiction over child and family services and focus on collaboratively achieving concrete outcomes in child welfare.<sup>32</sup>

A list of MOUs signed with Canada is at Annex D.

#### Supporting Inuit and Métis Nation leadership to advance culturally-appropriate reform

Canada has begun discussions to support Inuit and Métis Nation leadership in their work to advance meaningful, culturally-appropriate reform of child and family services. In March 2018, the Métis National Council held a Child and Family Services Summit in Winnipeg, and Minister Philpott announced \$1million in funding to the Métis Nation to support consultation efforts towards culturally appropriate child welfare reform. The Government of Canada has also begun to sign MOUs with participating Métis organizations, including Métis Nation of Alberta, Métis Nation of Saskatchewan, and Manitoba Métis Federation. Minister Philpott and departmental officials have also had the opportunity to engage various Inuit governments and organizations on reform of child and family services, including: Inuit Tapiriit Kanatami; Pauktuutit (Inuit Women of Canada); Inuvialuit Regional Corporation, and the Nunatsiavut Government.

Reforming the FNCFS program and, Indigenous child welfare more broadly, is critical to Reconciliation and a key component to promote child and family well-being and reducing the vulnerability of Indigenous women and children to violence. ISC is working with Indigenous partners to bring forward concrete change, either through significant investments made through Budget 2016 and 2018, implementation of the CHRT orders in consultation with the parties to the complaint, shifting the focus of the program from protection to more prevention and early

<sup>30</sup> More information on ISC's engagement process on potential legislation - <https://www.sac-isc.gc.ca/eng/1536260064233/1536260142039>

<sup>31</sup> Memorandum of Understanding - [https://news.gov.bc.ca/files/SNTC\\_Tripartite\\_CHILD\\_FAMILY\\_SERVICES\\_MOU.pdf](https://news.gov.bc.ca/files/SNTC_Tripartite_CHILD_FAMILY_SERVICES_MOU.pdf); Minister's Announcement - <https://www.canada.ca/en/indigenous-services-canada/news/2018/07/secwepemc-nation-british-columbia-government-of-canada-sign-memorandum-of-understanding-on-jurisdiction-for-child-and-family-services.html>

<sup>32</sup> Memorandum of Understanding - <https://manitobachiefs.com/wp-content/uploads/2017/12/AMC-Canada-MOU-on-Child-Welfare-Signed-Document.pdf>; Minister's Announcement - [https://www.canada.ca/en/indigenous-services-canada/news/2017/12/canada\\_signs\\_mouwithassemblyofmanitobachiefstodrivechangeinchild.html](https://www.canada.ca/en/indigenous-services-canada/news/2017/12/canada_signs_mouwithassemblyofmanitobachiefstodrivechangeinchild.html)



intervention services, empowering communities through community-based initiatives, and exploring transformative options such as national standards enshrined in legislation and transferring jurisdiction to Indigenous Nations. ISC also remains committed to identifying best practices that achieve real and culturally appropriate results for Indigenous children and families.

## **B. Overview of Family Violence Prevention Program (FVPP)**

Through the FVPP, ISC provides funding for eligible services designed to ensure the safety and security of Indigenous women, children and families. This includes funding for the day-to-day operations of a network of shelters that provide services for women and children living in First Nations communities on reserve in provinces, and in Yukon.

The FVPP reimburses the Governments of Alberta and Yukon, where service delivery arrangements currently exist, for the actual costs of maintaining an individual or family ordinarily resident on-reserve in Alberta or Yukon in a provincial/territorial family violence shelter at provincial/territorial per diem rates and rules.

Total funding for the FVPP in 2017-2018 was approximately \$36.4 million while for 2018-2019 the total is estimated at \$37.8 million. This increase is attributable mainly to additional monies supporting the Budget 2016 commitment to build and operate new on-reserve shelters. The Program collaborates with the Canada Mortgage and Housing Corporation's (CMHC) Shelter Enhancement Program to support the Budget 2016 commitment to build and operate five (5) new on-reserve shelters. Budget 2016 announced, beginning in 2016-2017:

- up to \$33.6 million over five years, and up to \$8.3 million in ongoing additional funding to better support shelters serving victims of family violence in First Nations communities; and
- \$10.4 million over three years to support the renovation and construction of new shelters for victims of family violence in First Nations communities.

Planning and construction activities for five new shelters in five different provinces have begun. All five are anticipated to be completed by March 31, 2019. They will be added to the existing network of 41 shelters serving women and children living on-reserve for a total of 46. CMHC provides funding for shelter construction while ISC provides operational funding.

Core funding is provided to the National Aboriginal Circle against Family Violence to act as a national coordinator by supporting shelters and their staff through training forums, prevention activities, research and collaboration with key partners.

Financial support has been provided to Pauktuutit Inuit Women of Canada which has commissioned a study on Violence against Women and Shelter Service Needs across Inuit Nunangat, which addresses the shared priority of increasing the safety and well-being of Inuit women and children. The study is anticipated to be completed in the fall of 2018.

Funding is also allocated for community-driven prevention projects such as public awareness campaigns, conferences, workshops, stress and anger management seminars, support groups, and community needs assessments on-and off-reserve. Prevention projects may provide funding for self-development, such as financial management skills, healthy parenting, healthy relationship,



healthy sexuality, life skills, social skills development for youth and adults (women and men).  
Examples include:

- NunatuKavut Community Council’s Empowering Indigenous Women and Girls project takes a “train-the-trainer” approach to bring Southern Inuit women and girls from remote communities across Nunatukavut together for knowledge sharing, cultural awareness and capacity development that will allow for the further transfer of cultural skills in the community; and
- The Atlohsa Native Family Healing Services Inc. in Ontario implemented the Strong Hearted Helpers program. The Strong Hearted Helpers program takes a strength based approach to help develop and promote healthy relationships thereby helping to stop the cycle of domestic violence in the Indigenous community of London, Ontario and area.

## **C. Overview of Other Supports to Indigenous Children and Families**

### ***Urban Programming for Indigenous Peoples (UPIP)***

The Urban Programming for Indigenous Peoples—formerly the Urban Aboriginal Strategy was, launched on May 25, 2017, with a new focus on providing funding to organizations that offer programs and services that help meet the needs of urban Indigenous Peoples and support their transition to life in an urban centre.

Budget 2017 announced an investment of \$118.5 million over five years in the UPIP,<sup>33</sup> which maintains program funding at \$53 million annually (2017-2018 to 2021-2022). Implemented in 2017-2018, UPIP supports organizations across the country, including friendship centres, in providing a wide range of holistic and culturally-appropriate programs and services to Indigenous peoples living in or transitioning to an urban centre, including support for<sup>34</sup>:

- Organizational Capacity: which offers core funding for up to five years to Indigenous organizations that deliver programs or services to urban Indigenous peoples and includes a \$23M allocation for friendship centres;
- Programs and Services: which provides project funding for up to five years to organizations that deliver programs and services to Indigenous peoples in urban areas and includes an allocation of \$7.8M to friendship centres, \$7.27M for the Métis Nation and \$1.41M for Inuit;
- Coalitions: which support existing and new local coalitions that bring together all levels of government and other stakeholders; and
- Research and Innovation: which provides funding to academics, researchers and organizations for research and innovative pilots projects.

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<sup>33</sup> Urban Programming for Indigenous Peoples <https://www.sac-isc.gc.ca/eng/1471368138533/1536932634432>

<sup>34</sup> For a list of selected organizations, projects and initiatives, please see: <https://www.aadnc-aandc.gc.ca/eng/1471368138533/1471368161152>



UPIP provides support to address challenges faced by some of the most at-risk community members, including Indigenous women.<sup>35</sup> As part of this new initiative, 84 successful projects were funded through the 2017-2018 Programs and Services call for proposals.<sup>36</sup>

A number of these programs were focused specifically on Indigenous women. For example, the: Mokami Status of Women Council – Newfoundland and Labrador project supports women-to-women mentoring programs, which have been well-documented to provide long-term positive effects in terms of women's economic prosperity. This project will develop a holistic grassroots empowerment program aimed at addressing some of the key barriers that prevent Indigenous women in transition from participating fully in the economy.

### ***Implementing Jordan's Principle***

In the Tribunal's January 26, 2016 decision Canada was also ordered to implement the full meaning and scope of Jordan's Principle. Jordan's Principle ensures all First Nations children can access the products, services, and supports they need, when they need them, no matter where they live.

In June 2016, Canada announced \$382.5M over three years (2016-2019) to implement the Principle and committed to working with First Nations to co-develop long-term policy options for Jordan's Principle. The bulk of this funding was dedicated to funding direct services and supports for First Nations children. Since the June announcement, up until July 2018, more than 110,000 supports and services have been approved for First Nations children. Examples of services include, but are not limited to:

- Respite care, assisted living services
- Nursing services
- Vehicle purchase or modification, school transportation
- Speech therapy, physiotherapy, occupational therapy
- Mental health services - assessments, therapy
- Teacher's aids, educational assistants, school supplies
- Communication devices, ceiling lifts, adaptive seats
- Nutritional supplements
- Wheelchair ramps
- Elder services

The funding announced in 2016 included funding to fund First Nations to establish Service Coordination, a function to help families and their children navigate local, federal and provincial systems to access health, social and education supports. Service Coordinators also work with federal Focal Points to address cases where there are gaps in services for First Nations children.

During this period, Canada has also worked with First Nations partners to co-develop long-term policy options for 2019 and beyond. This work has been advanced through the Jordan's Principle Action Table, a sub-committee of the National Advisory Committee on First Nations Child and

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<sup>35</sup> More details on the program, including funding and eligibility criteria , as well as a list of selected organizations, projects and initiatives, please see: <https://www.aadnc-aandc.gc.ca/eng/1471368138533/1471368161152>

<sup>36</sup> Successful projects : <https://www.sac-isc.gc.ca/eng/1525354850978/1536947407777>





Family Services Program Reform. The Jordan's Principle Action Table includes First Nations representatives from across the fields of health, social, and education from across Canada. Members include a representative of the National Indian Education Council, a health technician, an Non-Insured Health Benefits (NIHB) navigator, child and family services representatives, Service Coordinators, representatives from the AFN's Elders and Youth Council, as well as representatives of the federal government. Since fall of 2017, members of the Action Table have participated in more than 30 engagement sessions across Canada, to first seek feedback on how best to develop long-term options, and then to validate the proposed approach. The Jordan's Principle Action Table's work was presented to participants at the recent Jordan's Principle Summit in Winnipeg and is supported by a resolution from Chiefs in Assembly.

### ***The Income Assistance Program***

Since 1964, the Income Assistance Program provides financial assistance to individuals and families living on reserve comparable with provincial and Yukon income assistance rates and eligibility. In order to be eligible for Income Assistance, individuals and families must: be residents on reserve or Status First Nations living in the Yukon; have demonstrated significant financial needs; and not have other sources of income that fully meet their essential needs. The Program has four main components: basic needs (e.g. food, clothing, and shelter), special needs (e.g. essential household items, transportation and moving costs, and funeral and burial costs), pre-employment supports, and service delivery.

In 2016-17, the program had expenditures of \$924 million, and served approximately 83,300 clients and 69,818 dependants in 540 First Nations. The Income Assistance program is delivered by First Nations or First Nation organizations in all provinces, except Ontario. In Ontario, First Nations or First Nation organizations deliver the provincial Ontario Works program in accordance with the *Canada-Ontario 1965 Memorandum of Agreement Respecting Welfare Programs for Indians*. ISC also administers the program to Income Assistance clients that are status-Indians living in the Yukon Territory.

Since 2013, targeted funding has also been provided for pre-employment services designed to help Income Assistance clients transition to the workforce. Case management and pre-employment supports are gradually being implemented in First Nations communities to support Income Assistance clients and their families to become financially independent. Case management provides Income Assistance clients with individualized supports to help get them ready for work or return to school/training.

Between 2013 and 2017, more than 10,400 on-reserve youth (ages 18 to 24 years) received case management, and approximately 7,300 exited the Income Assistance program to pursue employment, education and other opportunities.

Budget 2018 provided a total of \$86.9 million over two years for the Income Assistance Program: \$78.4 million to continue case management and pre-employment supports; and \$8.5 million to engage with First Nations to understand how to make the Income Assistance Program more responsive to their needs, and to help identify the supports required to better transition them towards employment or education.





ISC is reaching out to a range of First Nations groups to ensure that a diverse group of stakeholders can access and participate in a First Nations-led engagement process. Consideration will be given to the timing, location, provision of hospitality and child care, and other measures to facilitate the participation of income assistance clients.

### ***The Assisted Living Program***

The Assisted Living program provides social support services (which are comparable to those offered by the provinces) to persons with disabilities or chronic illnesses who are low income residents of First Nations reserves. ISC provides funding, through funding agreements (total of \$109,990,377 in 2016-2017), to First Nations communities who then administer and deliver the following social support services to clients:

- **In-Home Care** (9,606 clients in 2016-2017)

This component funds services for residents on reserve which support their independent living at home and in their communities while receiving care. Medical home care services are not included as they are provided by the First Nations and Inuit Health Branch's Home and Community Care Program. Examples of In-Home Care social support services include housekeeping & laundry, meal preparation, attendant care, minor home repairs and maintenance, respite care for caregivers. Services are delivered by personal support workers in the homes of clients.

- **Institutional Care** (830 clients in 2016-2017)

This component subsidizes the cost of placing and maintaining low-income residents on reserve in long-term care homes. Services are delivered in on-reserve long-term care homes, or in off-reserve long-term care homes when no on-reserve facility is available.

- **Adult Foster Care** (118 clients in 2016-2017)

This component provides funding support for supervision and care for those on reserve who are unable to live on their own due to physical, cognitive or physiological limitations and who do not need continuous medical attention. Services are delivered in group homes on reserve, or in off-reserve group homes when no on-reserve facility is available.

### ***Education***

#### **Kindergarten to grade 12 education**

The Government of Canada funds elementary and secondary education for First Nations students ordinarily resident on reserve, provides post-secondary education financial support for First Nations and eligible Inuit students, and provides support to Canadian post-secondary institutions



for the design and delivery of university and college level courses that respond to the education needs of First Nations and Inuit students.<sup>37</sup>

### Elementary and Secondary Education Program

This program provides eligible students ordinarily living on reserve with elementary and secondary education programs comparable to those in provincial schools. The Elementary and Secondary Education Program aims to help eligible students living on reserve reach similar educational outcomes to other Canadian students in the same province. The program supports First Nations students to progress academically, graduate and contribute to their individual, family and community well-being.

ISC provides core funding, including funding for students with mild to moderate learning disabilities, directly to band councils and First Nations education organizations to support the 65% of First Nations students who attend schools on reserve.

For students who live on reserve but attend provincial schools off reserve, ISC pays the tuition amount charged by the province.

ISC also delivers services directly on reserve for seven federally-operated schools.

The goals of the program are to:

- increase students' achievement levels in reading, writing, and mathematics
- encourage students to remain in school
- require schools to conduct student learning assessments
- put in place performance measurement systems that allow schools to assess, report on, and take steps to accelerate progress made by schools and students

### Special Education

The Elementary and Secondary Education Program also includes funding for services provided to First Nations students identified as having mild to moderate learning disabilities.

Students assessed with moderate to profound learning disabilities are eligible for funding under the High-Cost Special Education Program.<sup>38</sup>

### High-Cost Special Needs Education Program

This program helps eligible First Nations students with high-cost special needs to access quality programs and services that are culturally sensitive and reflective of generally accepted provincial or territorial standards.

ISC supports First Nations students' special education needs through two programs:

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<sup>37</sup> Indigenous Services Canada Education Page - <https://www.sac-isc.gc.ca/eng/1100100033601/1521124611239>

<sup>38</sup> High-Cost Special Education Program - <https://www.sac-isc.gc.ca/eng/1100100033697/1531317695726>



1. The Elementary and Secondary Education Program funds special education services for First Nations students identified as having mild to moderate learning disabilities.<sup>39</sup> Funding is provided for programming, remedial instruction, clinical services and resource teacher staffing.
2. The High-Cost Special Education Program funds band-operated schools for high-cost special education students assessed with moderate to profound learning disabilities. The program funding is student-specific and determined by a formula based on individual student requirements. It is used for direct service support in the form of personnel, adaptive materials and resource services.

The High-Cost Special Education Program consists of direct and indirect services. Direct services represent at least 75% of the available funding. These include a number of classroom and school-based services related to the education and support of students with high-cost special needs.

### Education Partnerships Program

This proposal-based program is designed to advance First Nations student achievement in First Nations and provincial schools. The Education Partnerships Program (EPP) promotes collaboration between First Nations, provinces, ISC and other stakeholders.

It has two distinct components:

1. **Partnership:** This component supports the establishment and advancement of formal partnership arrangements that aim to develop practical working relationships between officials and educators in provincial systems and in regional First Nations organizations and schools.
2. **Structural Readiness:** This component supports activities that strengthen the organizational capacity of First Nations organizations including:
  - o formalizing governance structures and developing organizational capacity to deliver educational services to First Nations schools;
  - o start-up costs for creating First Nations school boards;
  - o developing agreements with provincial school boards, such as establishing new approaches to tuition and service agreements, fully delegating responsibility to administer on-reserve schools to a provincial school board, or fully delegating responsibility for operating a provincial school to a First Nation or First Nations organization.

### First Nations Enhanced Education Infrastructure Fund

ISC works with First Nations to provide financial and advisory assistance to First Nations in the development of education facilities.

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<sup>39</sup> Elementary and Secondary Education Program - <https://www.sac-isc.gc.ca/eng/1450708959037/1531319458607>



As part of the Enhanced Education Infrastructure Fund, ISC has also established an Innovation Fund to provide funding to First Nations communities to build school facilities that are innovative, promote education reform or achieve cost savings.<sup>40</sup>

### Improving First Nations schools on reserve

Since September 2016, as many as 1,970 students have started school in one of six new schools in First Nations communities.<sup>41</sup>

- Winneway community comes together to celebrate new school
- Wasaho Cree Nation School: An investment in long-term educational success
- O'Chiese First Nation celebrates new school on reserve
- Chief Crowfoot School reveals newly renovated learning facilities
- Kwakiutl First Nation celebrates new Wagalus School
- Poplar Hill First Nation community cuts the ribbon to Ahgwahbuush Memorial School

### Transforming First Nations Elementary and Secondary Education

The Government of Canada is committed to continue working in partnership with Indigenous peoples to close the educational achievement gaps that persist between Indigenous peoples and non-Indigenous Canadians. Such gaps prevent Indigenous peoples from contributing to, and fully benefiting from, participating in the Canadian economy and society, and perpetuate socio-economic inequities between Indigenous peoples and other Canadians.

Building on an extensive two-year engagement and co-development process, ISC has worked with the Assembly of First Nations and First Nations partners to establish a new policy framework for First Nations elementary and secondary education. This new framework is aimed at fundamentally improving the way ISC funds First Nations elementary and secondary education while respecting the principle of First Nations control of First Nations education.

Beginning in 2019-2020, ISC will begin implementing a new formula-based funding approach that is based on provincially comparable funding formulas, plus additional funding supports for expanded language and culture programming, full-time kindergarten, and other initiatives that respond to the unique needs of First Nations students. ISC will also work with First Nations to develop regional education agreements that respond to the specific education goals and priorities set by First Nations and outline how the Government of Canada can best support First Nation schools, students, communities, and education organizations.

This new approach will provide First Nations with “equity plus” funding to ensure that First Nations students receive a high quality, linguistically and culturally-appropriate education that improves outcomes.

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<sup>40</sup> Innovation fund information - <https://www.sac-isc.gc.ca/eng/1456154039297/1533642270665>

<sup>41</sup> Improving First Nations schools on reserve - <https://www.sac-isc.gc.ca/eng/1487257531777/1533642158356>



### Post-Secondary Student Support Program

The program aims to improve the employability of First Nations and eligible Inuit students by providing them with funding to access education and skills development opportunities at the post-secondary level.

Eligible post-secondary levels include:

- community college and CEGEP diploma or certificate programs
- undergraduate programs
- advanced or professional degree programs

The program is administered by the First Nation or the First Nations or Inuit designated organization that determines the funding and selection criteria in accordance with national guidelines. ISC provides funding for this program as part of core funding agreements with Indigenous governments and organizations.

Eligible costs covered by the program may include tuition, books, travel support and living allowances.

The maximum amount payable per full-time student cannot exceed \$50,000 per year.

On an extraordinary and justified basis, the maximum amount payable per year for a student in an advanced or professional degree program or a Masters or Doctoral program may exceed \$50,000 up to a maximum of \$85,000. No student is automatically entitled to this amount.

In 2017-2018, ISC invested \$90 million over 2 years in the Post-secondary Student Support Program and the University College Entrance Preparation Program for First Nations and Inuit students. This funding will support over 4,600 students.

### University and College Entrance Preparation Program

This program aims to increase the number of First Nations and Inuit students with the academic level required for entrance into post-secondary programs.

Financial assistance may be provided for a maximum of one year of studies in the form of:

- tuition support for part-time and full-time students that may include required fees, tuition and the cost of books and supplies required for courses
- travel support for full-time students who must leave their permanent place of residence to attend their university or college entrance program
- living allowances for full-time students to help cover the costs of food, shelter, local transportation and daycare

The program is administered by the First Nation or the First Nations or Inuit designated organization that determines the funding and selection criteria in accordance with national



guidelines. ISC provides funding for this program as part of core funding agreements with Indigenous governments and organizations.

In 2017-2018, ISC invested \$90 million over 2 years in the Post-Secondary Student Success Program and the University and College Entrance Preparation Program (UCEPP) for First Nations and Inuit students. This funding will support over 4,600 students.

### Post-Secondary Partnerships Program

This program is a competitive, proposal-driven process based on merit and focused on meeting labour market needs. It supports projects that deliver a program of study or develop new courses and programs tailored for First Nations and Inuit students.

Priority is given to project proposals that:

- focus on the labour market, with specific outcomes and objectives
- lead to high-demand jobs in the Canadian economy or within First Nations or Inuit communities (such as governance)
- respond to the educational needs of First Nations and Inuit students
- use innovative and efficient delivery methods to increase the availability of education in remote communities
- have a plan towards financial self-sustainability
- contain short duration, undergraduate level courses
- include funding partners with a firm commitment to monetary participation

### First Nations and Inuit Youth Employment Strategy (FNIYES)

The FNIYES is part of the Government of Canada's effort to enhance Indigenous Canadians' education, participation in the labour market and economic success. It is a component of the Government of Canada's Youth Employment Strategy led by Employment and Social Development Canada.

ISC is responsible, under the Youth Employment Strategy, for employment and skills development for First Nations and Inuit youth.

The FNIYES has an annual budget of \$24 million. Since its launch in 1997, it has provided close to 150,000 opportunities to First Nations and Inuit youth. More than 600 First Nations and Inuit communities design and implement projects each year.

The strategy also helps First Nations and Inuit youth, between the ages of 15 and 30, who are ordinarily resident on reserve or in recognized communities:

- develop and enhance essential employability skills
- get exposed to a variety of career options
- understand the benefits of education as key to labour market participation
- gain co-operative education work and study opportunities





ISC delivers two programs under the First Nations and Inuit Youth Employment Strategy:

- the First Nations and Inuit Summer Work Experience Program supports initiatives to help First Nations and Inuit youth acquire skills, prepare for full-time employment and earn income to support post-secondary education, through summer work experience
- the First Nations and Inuit Skills Link Program supports initiatives that help First Nations and Inuit youth acquire essential employability and job-related skills, and to learn about job and career options, to prepare for employment and career development

ISC's First Nations and Inuit Youth Employment Strategy (FNIYES) supports initiatives to provide First Nations and Inuit youth with work experience, information about career options and opportunities to develop skills to help gain employment and develop careers.

To further help support Canada's newest workers in making the transition from school to work, and to help them get a strong start in their careers, the Government of Canada has invested approximately \$100 million over 3 years, starting in 2017-2018 towards the First Nations and Inuit Youth Employment Strategy: Skills Link and Summer Work Experience programs.

### Indspire

Indspire is an organization that provides resources supporting First Nation, Inuit and Métis people, and youth in particular, to realize their full potential and achieve a brighter future. ISC funds Indspire for programs intended for First Nation and Inuit students.

Funding is provided for the following four objectives:

1. Building Brighter Futures - To offer scholarships and bursaries to First Nation and Inuit students to pursue post-secondary education.
2. Indspire Awards- To identify and honour the exemplary achievements of Indigenous people so that their accomplishments can serve as an inspiration to young people.
3. Soaring: Indigenous Youth Career Conferences - To hold two one-day youth career fairs in two different Canadian cities each year. These are targeted at Indigenous youth from grades 10 to 12 so as to increase their awareness of employment opportunities and associated training requirements.
4. Industry in the Classroom - To develop, produce and disseminate to First Nations and Inuit high-school students, curricula and other materials designed to challenge them to consider career options in industries that will experience skilled labour shortages in the upcoming years and to support other stay in school and employment initiatives.

### ***Matrimonial Real Property on Reserve***

To address a long-standing and unacceptable legislative gap which contributed to situations of unfairness to women and children, first identified in the court case *Derrickson v. Derrickson*, the Family Homes on Reserve and Matrimonial Interests or Rights Act (FHRMIRA) came into force in 2013, after an extensive consultation process and examination of the issue. The FHRMIRA



provides for First Nation communities to create their own matrimonial real property laws respecting on-reserve matrimonial real property and includes protections for women, children and families following a relationship breakdown, in cases of family violence and on the death of a spouse or common-law partner. A list of the First Nations communities that have approved and brought into force their own laws under the FHRMIRA is on the ISC website.

Until a First Nation's own law is enacted either under the FHRMIRA or other federal legislation, such as the First Nations Land Management Act, the provisional federal rules in the FHRMIRA fill the legislative gap. The FHRMIRA includes provisions for emergency protection orders in cases of family violence, and exclusive occupation orders that may be part of decisions about other family law consequences of relationship breakdown, such as child custody and support orders. Notably, subsections 16(4) of the FHRMIRA respecting emergency protection orders, and subsection 20(3) respecting exclusive occupation orders, specifically direct a court to consider some relevant factors, such as the best interest of any children, including the interest of any child who is a First Nation member to maintain a connection with that First Nation; and, the interests of any elderly person or person with a disability who habitually resides in the family home and for whom either spouse or common-law partner is the caregiver. The court must also consider factors such as the collective interests of First Nation members in their reserve lands and the representations made by the council of the First Nation on whose reserve the family home is situated with respect to the cultural, social and legal context that pertains to the application; and the availability of other suitable accommodation that is situated on the reserve.

To assist First Nation communities with the development of their own laws, ISC provides funding for the National Aboriginal Lands Managers Association to operate the Centre of Excellence for Matrimonial Real Property. This resource centre assists First Nations with the understanding and application of the FHRMIRA, and guides First Nations who are opting to develop their own matrimonial real property laws. The Centre provides a range of resources for First Nation communities, including funding as a part of a pilot project, information on the protections and rights available to individuals and families living on reserves, research on alternative dispute resolution mechanisms, as well as the provisional federal rules.”

#### **D. Conclusion**

The Government's renewed commitment to action in partnership with Indigenous Peoples is designed to begin to close the gaps between Indigenous and non-Indigenous Canadians, to meaningfully address inequalities faced by Indigenous Peoples in the country and to positively change the circumstances of young Indigenous Peoples for the next generation.

**First Nations Child and Family Services:  
 First Round Community Initiatives  
 2017-2018**

(\*Discussions are ongoing as to which projects will continue in 2018/2019)

Region	Pilot and Project Initiatives
<b>Quebec</b>	Part of <b>Atikamekw</b> proposal focused on child and family services and prevention activities
<b>New Brunswick</b>	New <b>aggregated, community-driven agency model</b> implemented and launched
<b>Newfoundland and Labrador</b>	Group home at a level 4 placement facility for the <b>Innu in Sheshatshiu</b> (Labrador); to be operational at a level 4 in 2018
<b>Ontario</b>	<b>Chippewas of the Thames</b> : to explore community jurisdiction
	<b>Nogdawinamin</b> : for the part of their proposal focused on service model evaluation
	Support Koganaasawin, the central organization structure: to support the implementation of the <b>Anishinabek Nation Child Well-Being Law</b> and to support double bilateral meetings with Canada and Ontario
<b>Manitoba</b>	<b>Shawenim Abinooji</b> : to place children in care close to their communities and to support cultural connections
	Part of <b>Abinooyitag</b> proposal (from Assembly of Manitoba Chiefs – First Nations Family Advocate Office): to support family restoration and traditional supports
	<b>Sioux Valley Dakota</b> : to work on child and family services jurisdiction
	<b>Ma Mawa Wi Chi Itata Centre</b> : to repatriate children with their families with overall goal of reducing children in care (exploring partnership with province)
	<b>Awasis Agency</b> to explore how to best support families in the region
	<b>Assembly of Manitoba Chiefs – Grandmothers Council</b> : to attend September 2017 National Gathering to Elders in Edmonton to discuss their role in child welfare reform and traditional parenting
<b>Saskatchewan</b>	<b>Federation of Sovereign Indigenous Nations</b> : for jurisdiction and governance review
	<b>Yorkton Tribal Council Child and Family Services Inc.</b> : for research to develop an Indigenous model of intervention
<b>Alberta</b>	<b>Treaty 8</b> : for the creation of an urban office to serve the Treaty 8 members and provide case management and culturally appropriate services under the delegation of the Ministry and to collaborate with First Nations and councils of Treaty 8
<b>British Columbia</b>	<b>Esk'etemec</b> : to support pilot social worker to address root causes of child removal
	<b>Kw'umet Lelum</b> : for Step Up program to support youth transitioning out of care
	<b>Federation of BC Youth in Care</b> : to support youth aging out of care through cultural connections
	<b>Nuu-chah-nulth Tribal Council</b> : to strengthen cultural competencies
	<b>Upper Nicola</b> : for family preservation and prevention programming
	<b>Stikine</b> : for Wholistic Wellness Group (northern remote)
	<b>Okanagan Nation Alliance</b> : for part of the implementation of mental wellness framework
	<b>Wet'suwet'en Working Group</b> : support for governance and jurisdiction discussions (with Treaty and Aboriginal Governance - TAG)
	<b>Carrier Sekani</b> : development of a prevention and government framework
<b>Secwepemc (Shuswap) Nation Tribal Council</b> : to explore the potential for federal and provincial enabling legislation to support jurisdiction over child and family services at Nation level	

FILE NO.: T1340/7008

**CANADIAN HUMAN RIGHTS TRIBUNAL**

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA**

- and -

**ASSEMBLY OF FIRST NATIONS**

Complainants

- and -

**CANADIAN HUMAN RIGHTS COMMISSION**

Commission

- and -

**ATTORNEY GENERAL OF CANADA**

**(Representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

- and -

**CHIEFS OF ONTARIO**

- and -

**NISHNAWBE ASKI NATION**

Interested Parties

**CONSULTATION PROTOCOL**

**(ENTERED INTO PURSUANT TO AN ORDER OF THE TRIBUNAL)**

**WHEREAS**, the First Nations Child and Family Caring Society of Canada (“Caring Society”), a non-profit organization committed to research, policy development, public education, and public engagement to support the well-being of First Nations children, youth and families, and the agencies that work with them, is a co-complainant in this matter;

**WHEREAS**, the Assembly of First Nation (“AFN”), a national advocacy organization that works on behalf of over 600 First Nations on issues such as Treaty and Aboriginal rights, education, housing, health, child welfare and social development, is a co-complainant in this matter;

**WHEREAS**, the Canadian Human Rights Commission (“Commission”), in appearing before the Tribunal at a hearing, represents the public interest pursuant to section 51 of the *Canadian Human Rights Act* (“CHRA”);

**WHEREAS**, the Attorney General of Canada, representing the departments responsible for meeting the Government of Canada's provision of services to Indigenous peoples, is the Respondent in this matter ("Canada");

**WHEREAS**, the Chiefs of Ontario ("COO"), is an advocacy forum and secretariat for collective decision-making, action, and advocacy for the 133 First Nations communities located in the Province of Ontario, which was granted interested party status to speak to the particularities of on-reserve child welfare services in Ontario;

**WHEREAS**, the Nishnawbe Aski Nation ("NAN"), is a political territorial organization that represents the socioeconomic and political interests of 49 First Nation communities located in Northern Ontario, which was granted interested party status in these proceedings, at the remedies stage to provide the perspective of delivering child and family services to remote and northern communities in Ontario;

**WHEREAS**, the Caring Society and the AFN (the "Complainants") commenced a federal human rights complaint under section 5 of the *CHRA* in 2007, joined by COO and Amnesty International in 2009 and by NAN in 2016 (the "Interested Parties"), as well as the Commission, alleging past and ongoing discrimination by Canada against First Nations children and their families by providing, amongst other things, inadequate funding to First Nations Child and Family Services Agencies ("FNCFS Agencies") for the delivery of child protection services on-reserve and in the Yukon, as well as by failing to implement Jordan's Principle;

**WHEREAS**, the Canadian Human Rights Tribunal ("Tribunal") issued its Decision, 2016 CHRT 2, on January 26, 2016, ("*Decision*") substantiating the Complaint, that made extensive findings of discrimination against Canada with respect to its administration of and delivery of services under the First Nations Child and Family Services Program ("FNCFS Program") and 1965 federal-provincial *Memorandum of Agreement Respecting Welfare Programs for Indians* ("*1965 Agreement*"), and amongst other things, ordered Canada to cease its discriminatory practices and reform the FNCFS Program and *1965 Agreement* to reflect its findings in the *Decision*; it also ordered Canada to cease applying its narrow definition of Jordan's Principle and take measures to immediately implement the full meaning and scope of Jordan's Principle;

**WHEREAS**, the Tribunal retained jurisdiction to ensure the implementation of its Decision, and subsequently directed that implementation be done in three steps, namely: (1) immediate relief; (2) mid to long term relief; and (3) compensation, and has reserved its ruling regarding the Complainants' motion for an award against Canada in relation to the costs of its obstruction of the Tribunal's process in relation to document disclosure and production;

**WHEREAS**, the Tribunal has thus far been focussed on immediate relief and has issued five compliance Rulings, including, 2016 CHRT 10, dated April 26, 2016 (immediate relief orders); 2016 CHRT 16, dated September 14, 2016 (further immediate relief orders); 2017 CHRT 7, March

29, 2017 (immediate relief orders specific to NAN motions); 2017 CHRT 14, dated May 26, 2017 (immediate relief and remedial orders regarding Jordan's Principle) (collectively "compliance Rulings"); and 2018 CHRT 4, dated February 1, 2018 (the "February 1<sup>st</sup> Ruling");

**WHEREAS** the February 1<sup>st</sup> Ruling included the following Order in paragraph 431:

[431] Canada is ordered, under section 53(2)(a) of the *CHRA*, to consult not only with the Commission, but also directly with the AFN, the Caring Society, the COO and the NAN on the orders made in this ruling, the *Decision* and its other rulings. Therefore, INAC is ordered to enter into a protocol on consultations with the AFN, the Caring Society, the COO, the NAN and the Commission to ensure that consultations are carried out in a manner consistent with the honour of the Crown and to eliminate the discrimination substantiated in the *Decision* by **February 15, 2018**. The parties will report to the Tribunal on the progress of implementation of this order and any issues that arise by **February 8, 2018**.

**WHEREAS** the orders made in the February 1<sup>st</sup> Ruling are attached as Schedule 1 to this Consultation Protocol;

**WHEREAS** Canada has endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP") and has repeatedly confirmed that Canada is a full supporter of UNDRIP, without qualification;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP"), applies to this Protocol, including but not limited to the following Articles: Articles 3 and 4, which declare that Indigenous peoples have the right of self-determination and self-government; Articles 2, 9, 15, 21 and 22, which provide that Indigenous peoples are to be treated equally and free from discrimination; Article 7(2), which provides that "Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group"; Article 8 (1), which says that "Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture"; Article 19, which provides that "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them"; and Article 24(1), which provides that "Indigenous . . . individuals also have the right to access, without any discrimination, to all social and health services.";

**WHEREAS** Canada has committed to implementing the Calls to Action of the Truth and Reconciliation Commission (TRC), including Nos. 1 – 5 on child welfare, particularly No. 1 ii, which calls on the federal government to reduce the number of Aboriginal children in care by "Providing adequate resources to enable Aboriginal communities and child welfare organizations to keep



Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments ..." and No. 3 , which calls "upon all levels of government to fully implement Jordan's Principle";

**WHEREAS**, Canada has committed to Reconciliation with Indigenous Peoples and to renew the Nation-to-Nation relationship with First Nations, and to develop policies in partnership with First Nations based on the recognition of rights, respect, cooperation and partnerships;

**AND WHEREAS**, in accordance with the Order in paragraph 431 of the February 1<sup>st</sup> Ruling, Canada, the Complainants, the Interested Parties, and the Commission ("the Parties") have worked in partnership to develop this Consultation Protocol;

**THEREFORE**, the Parties agree as follows:

**Purpose and Objectives**

1. The purpose of this Consultation Protocol is to fulfill the Tribunal's Order in paragraph 431 of the February 1<sup>st</sup> Ruling, to develop a protocol to govern consultations that Canada has been ordered to engage in direct consultation "not only with the Commission, but also directly with the AFN, the Caring Society, the COO and the NAN on the orders made in this ruling, the *Decision* and its other rulings . . . to ensure that consultations are carried out in a manner consistent with the honour of the Crown and to eliminate the discrimination substantiated in the *Decision*".
2. The objectives of the parties in pursuing the consultations contemplated by this Protocol are as follows:
  - a. To promote mutual understanding, meaningful communication, transparency and cooperation amongst the parties, and to facilitate Canada's consultation with First Nations, FNCFS Agencies and other rights holders and stakeholders in a manner that is consistent with the honour of the Crown, while at the same time ensuring that the immediate and mid and long term relief measures are developed and implemented in an effective and cooperative manner.
  - b. To ensure that the knowledge, skills, interests and expertise of the respective complainants, interested parties, and the Commission, and their employees, officers and consultants are combined and focused on the project of eliminating Canada's systemic discrimination in the delivery of child and family service on reserves and in the Yukon, which includes as a first step analyzing the needs assessments completed by FNCFS Agencies, and doing a cost-analysis of the real needs of FNCFS Agencies.
  - c. To ensure that all the parties work in a cooperative fashion to assist Canada in ensuring that it ceases its discriminatory practices and reforms the FNCFS Program

and *1965 Agreement* to reflect the findings in the *Decision*, and ceases applying its narrow definition of Jordan's Principle and takes measures to immediately implement the full meaning and scope of Jordan's Principle.

- d. To address what the Tribunal in paragraph 47 of the February 1st Ruling refers to as the "mass removal of children". As the Tribunal states: "There is urgency to act and prioritize the elimination of the removal of children from their families and communities".
- e. To ensure Canada eliminates those aspects of its funding formulas/models that fully fund apprehensions but underfund prevention, thereby creating a perverse incentive, which results in unnecessary apprehension of First Nations children from their families and communities.
- f. To ensure Canada develops an alternative system for funding child and family services, including prevention, intake and investigation, building repairs, legal fees, the child service purchase amount and small agency costs for First Nations children and families on-reserve and in the Yukon, based on actual needs which operates on the same basis as Canada's current funding practices for funding child welfare maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by FNCFS Agencies to be in the best interests of the child and to develop and implement the methodology including an accountability framework in consultation with the Complainants, Commission and Interested Parties.
- g. To promote substantive equality for First Nations children, families and communities on reserves and in the Yukon in the delivery of child and family services, particularly in light of their higher level of needs because of historical disadvantages suffered by First Nations families, children and communities as a result of the legacy of colonialism and Indian Residential Schools.
- h. To eradicate Canada's systemic discrimination in the provision of child and family services for First Nations children, families and communities on reserves and in the Yukon, and to prevent it from reoccurring by addressing and changing systemic behaviors and patterns that led to the systemic discrimination, which was substantiated by the Tribunal.
- i. To ensure that Canada's administration of the FNCFS Program and 1965 Agreement is delivered in a culturally appropriate manner, and in line with the diversity and unique cultural, linguistic, historical and geographical needs and circumstances of First Nations across the country, particularly in northern and remote communities.

**Principles and Parameters**

3. The consultation contemplated by this Consultation Protocol shall be based on the following principles and parameters, which are acknowledged and accepted by all parties:
  - a. As the Panel reiterated at paragraph 180 of the February 1<sup>st</sup> Ruling, "... the best interest of the child is the primary concern in decisions that affect children. . . ."
  - b. However, the Panel also noted "that removing children from their families as a first resort rather than a last resort was not in line with the best interests of the child. **This is an important finding that was meant to inform reform and immediate relief (see the *Decision at paras 341-349*).**"
  - c. The consultation must respect First Nations' right of to self-determination, reconciliation, and the renewal of the nation-to-nation relationship with the Crown. In this regard, stopping the removal of children from their Nations and the unnecessary removal from their families is essential for First Nation self-determination and for rebuilding self-sustaining communities.
  - d. This Consultation Protocol will be rooted in the honour of the Crown and upholding and promoting the rights of Indigenous children, applying all relevant provisions and principles from the *CHRA*, the *Convention on the Rights of the Child (including UNCRC General Comment 11)*, the *United Nations Declaration for the Rights of Indigenous Peoples*; and other applicable rights frameworks.
  - e. Canada is obligated and has sufficient authority under Canadian law to effect the changes to its child and family services policies and programs, which were ordered by the Tribunal in its Decision and Rulings, and need not wait for the provinces to act.
  - f. The consultation provided for in this Protocol is intended to complement and support, but shall not be a substitute for, the direct relationship between Canada and First Nations at the regional and community levels.
  - g. Canada acknowledges that it also has a relationship with FNCFS Agencies, and that effective implementation will require Canada to continue to work directly with them, to negotiate funding agreements and terms that reflect actual needs of First Nations children, youth and families.
  - h. As the Tribunal noted at paragraph 67 of the February 1<sup>st</sup> Ruling, "Nations are distinct and have distinct needs. A one-size fits all approach is not helpful and was found to be discriminatory in the *Decision*. This is why the Panel has previously ordered [Canada] to respond to specific needs while reforming and consulting with partners, Indigenous communities, Indigenous governments, FNCFS Agencies, provinces and

parties in this case.”

- i. At the same time, the Tribunal said at paragraph 55 of the February 1<sup>st</sup> Ruling: “... while Canada advances that it needs to consult with all First Nations’ communities, which in our view remains paramount for long term reform, the Panel does not think consultation prevents Canada from implementing immediate relief.”
- j. The Tribunal has indicated at paragraph 236 of the February 1<sup>st</sup> Ruling that the Orders in that Ruling and the consultations provided for herein, are subject to the following additional parameters, that is, the orders apply “Until such time as one of the options below occur:
  1. Nation (Indigenous)-to Nation (Canada) agreement respecting self-governance to provide its own child welfare services.
  2. Canada reaches an agreement that is Nation specific even if the Nation is not yet providing its own child welfare services and the agreement is more advantageous for the Indigenous Nation than the orders in this ruling.
  3. Reform is completed in accordance with best practices recommended by the experts including the NAC and the parties and interested parties, and Eligibility of reimbursements from prevention/least disruptive measures, building repairs, intake and investigations and legal fees services are no longer based on discriminatory funding formulas or programs.
  4. Evidence is brought by any party or interested party to the effect that readjustments of this order need to be made to overcome specific unforeseen challenges and is accepted by the Panel.”

**Subject Areas of Consultation and Collaboration**

4. The Tribunal has directed that the implementation of its Decision be done in three steps, namely: (1) immediate relief, (2) mid to long term relief and (3) compensation. Canada commits to consult in good faith with the Complainants, the Commission and Interested Parties on all the three steps, to the extent of their respective interests and mandates.
5. The scope and processes for the consultation will vary for the three steps. As a general rule, and as indicated by the Panel, at paragraph 177 of the February 1<sup>st</sup> Ruling: “It is inevitable, consultations need to be meaningful and broad, including rights holders, different Indigenous governance, Indigenous youth, the parties and experts. However, the parties and the Tribunal had valuable information to assist the immediate relief aspect which was meant to provide remedy quickly. This is why the Panel distinguished between immediate and long term relief.”

**Consultations on Immediate Relief**

6. As directed by the Tribunal, given the urgency of the immediate relief measures, the Parties shall focus consultations, as a priority, on implementing immediate relief measures identified in the Decision and in the Rulings, particularly those in the February 1<sup>st</sup> Ruling, attached as Schedule 1.
7. Canada agrees to engage in meaningful and good faith consultations with the other Parties respecting all the immediate relief orders issued by the Tribunal in the Decision and all of the Rulings, including the Orders in Schedule 1, and to report to the Tribunal according to the deadlines provided in the said Orders. Should the parties propose and the Tribunal agree to modifications to its Orders, this Consultation Protocol shall be updated accordingly. The orders and deadlines in Schedule 1 are summarized as follows:
  - **Needs Assessment and Cost Analysis** - Undertake a cost-analysis of the real needs of FNCFS Agencies, including prevention/least disruptive measures, intake and investigation, building repairs and legal fees related to child welfare, based on the needs assessments provided by FNCFS Agencies and other existing studies, to be completed and report to the Tribunal by **May 3<sup>rd</sup>, 2018**.
  - **New Funding System Based on Actual Needs** - To develop and implement an alternative system ( including methodology and an accountability framework) 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, to be based on actual needs and operate on the same basis as Canada's current funding practices for funding child welfare maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by the FNCFS Agencies to be in the best interests of the child; to be completed by **April 2, 2018** and report back to the Panel by **May 3, 2018**.
  - **Reimbursement Based on Actual Costs Retroactive to January 26, 2016** - 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**.
  - **Child Service Purchase Amount** - To develop and implement an alternative system (including methodology and an accountability framework) 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 Canada's current funding practices for funding child welfare maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by the FNCFS Agencies to be in the best interests of the child, by **April 2, 2018** and report back to the Panel by **May 3, 2018**.

- **Child Service Purchase Amount Reimbursement Based on Actual Costs Retroactive to January 26, 2016** -- 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**.
- **Small First Nation Agencies Needs Assessment and Cost Analysis** - Undertake a cost-analysis of the real needs of small FNCFS Agencies, based on the needs assessments provided by FNCFS Agencies and other existing studies, to be completed and report to the Tribunal by **May 3<sup>rd</sup>, 2018**.
- **New Funding System Based on Actual Needs for Small First Nation Agencies** - To develop and implement an alternative system (including methodology and an accountability framework) for funding small FNCFS Agencies, to be based on actual needs and operate on the same basis as Canada's current funding practices for funding child welfare maintenance costs, that is, by fully reimbursing actual costs for these services, as determined by the FNCFS Agencies to be in the best interests of the child; to be completed by **April 2, 2018** and report back to the Panel by **May 3, 2018**.
- **Small First Nations Agencies Reimbursement Based on Actual Costs Retroactive to January 26, 2016** -- Canada to provide funding on actual costs for small FNCFS Agencies, to be reimbursed retroactive to January 26, 2016 by **April 2, 2018**.
- **Reliable Data Collection, Analysis and Reporting Methodology** -- Canada, to provide by **March 5, 2018** a reliable data collection, analysis and reporting methodology, as well as ethical research guidelines respecting Indigenous peoples that include protection of Indigenous intellectual property for approval by the Panel upon further submissions by the parties, to guide all data collection process resulting from all the orders for actual costs in this ruling.
- **Stop Reallocation of Funds** -- Canada to stop unnecessarily reallocating funds from other social programs, especially housing, if it has the adverse effect to lead to apprehensions of children or other negative impacts outlined in the *Decision* by **February 15, 2018**.
- **Immediate Relief Investments to have no Adverse Impacts** -- Canada to ensure, that any immediate relief investment does not adversely impact indigenous children, their families and communities by **February 15, 2018**.
- **Evaluate Social Programs** -- Canada to evaluate all its Social Programs for Indigenous peoples by **April 2, 2018**, in order to determine and ensure any reallocation is necessary and does not adversely impact First Nation children and families.



- **Analyze Mental Health Programs to Identify Gaps** -- Canada to analyze all its programs that fund mental health for First Nations on reserve and in the Yukon and clearly establish which ones fund what in order to identify gaps in services to First Nations children by **April 2, 2018**.
  - **Fund Actual Costs for Mental Health Services in Ontario** – Gaps in mental health services available to First Nations children in Ontario were recognized as a discriminatory effect of the *1965 Agreement*. Canada was ordered to fund actual costs of mental health for services to First Nations children and youth from Ontario retroactively to January 26, 2016 by February 15, 2018, or within 15 business days after the receipt of documentation of expenses.
  - **Fund Actual Costs for Band Representatives in Ontario** – Canada was ordered to fund Band Representative Services for Ontario First Nations, Tribal Councils, or FNCFS 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.
  - **Assess FNCFS Agencies Deficits** -- Canada to identify which FNCFS Agencies including the NAN agencies have child welfare or health services related deficits, and assess those deficits, and report to the Tribunal by **May 3, 2018**.
  - **Communication of Immediate Relief Orders to FNCFS Agencies** -- Canada to communicate clearly to FNCFS Agencies any immediate relief ordered by the Panel in order to ensure that these measures are implemented fully, properly, and in a manner to reduce the adverse impacts on First Nations children by **March 15, 2018**.
8. The Parties agree to engage in good faith consultations with Canada on immediate relief measures, to the extent of their respective interests, mandates and constituencies. Without limiting the generality of the foregoing:
- a. The Caring Society will promote the interests of First Nations families and children as well as FNCFS Agencies;
  - b. AFN will represent First Nations, their citizens and institution's interests nationally,
  - c. COO will advocate for the interests of First Nations in Ontario;
  - d. NAN will represent the interests of First Nations, FNCFS Agencies and families and children within the NAN territory; and
  - e. The Commission will represent the public interest.
9. The Complainants, Interested Parties and the Commission each agree to work with their

respective constituencies to facilitate consultations on the development and implementation of immediate relief measures, to the extent possible given the urgency of these measures.

10. The other Parties will jointly review Canada's proposed policy changes, strategies, standards and communication materials to help ensure that Canada complies with the Tribunal's Decision and Rulings, and that the policies are in keeping with the best interests of the child under the United Nations Convention on the Rights of the Child, including as interpreted by the UN Committee on the Rights of the Child in General Comment #11, and the United Nations *Declaration on the Rights of Indigenous Peoples*. Alternatively, the Parties can offer alternatives where Canada's proposed policies, strategies, standards and/or communication materials fall short of compliance or meeting the best interests of First Nations children and their families.
11. The Complainants and Interested Parties will, where appropriate, jointly develop strategies to assist Canada in its implementation of the Tribunal's Decision and Rulings and Canada acknowledges the Complainants' and Interested Parties' expertise in this regard.
12. Canada accepts that it has responsibility for the full implementation of the Tribunal's *Decision*, the further existing compliance orders, and the February 1<sup>st</sup> Ruling.
13. The parties shall establish a **Consultation Committee**:
  - a. The role of the Committee shall be to oversee the development and implementation of immediate relief measures, including those under Jordan's Principle, and its role shall be extended to mid and long term relief measures unless otherwise agreed by the parties,
  - b. The Committee shall be composed of one (two) senior official(s) named by each of the parties, and each party shall be entitled to technical support including legal counsel,
  - c. Committee representatives will report and seek authority, as appropriate, from their respective political leaders,
  - d. The Committee shall be co-chaired by the Complainants,
  - e. The Committee shall develop its own procedures, and
  - f. Where the parties are unable to reach agreement on any matter, the Committee may consider engaging a mediator to assist in resolving the matter, or any party may refer the matter to the Tribunal.
14. As required, but at least once per year, the Minister of Indigenous Services, the National Chief of the AFN, the Executive Director of the Caring Society, the Chief Commissioner of the Commission, the Regional Chief of the COO, and the Grand Chief of NAN will meet to discuss high level issues related to this Consultation Protocol. The annual meeting will be held on a date set after consultation among the parties. Additional meetings will be

scheduled if all parties agree such a meeting is required. Meetings will be scheduled with not less than fourteen days' notice and subject to the availability of all parties.

15. Canada agrees to fund the work envisioned by this Consultation Protocol, as outlined in an agreed upon workplan, and with the exception of the participation of the Commission. Without limiting the generality of the foregoing, this will include the costs of the Committee, Committee meetings, preparing for meetings, memos, opinions, advices and all communications. It will also include the consultation-related fees and disbursements of experts and legal counsel (excluding litigation), and meetings and consultations of each of the Parties, with the exception of the costs of the Commission. The Committee shall establish a work-plan and budget at the outset.
16. Canada agrees to provide all information necessary for the Committee to do its work in a timely fashion, except where such information is explicitly and clearly protected by operation of law. In such cases, Canada will provide the requestor a detailed explanation in writing of its reasons for withholding the information within 5 business days of the request of withholding of the information. Where there are legal concerns about the provision of information, the parties will work to find solutions so that sufficient information may be shared.

#### **Building Awareness and Training**

17. Canada acknowledges that building awareness and training will be needed to address the systemic discrimination identified in the Decision and Rulings of the Tribunal, and that this extends to the consultations envisioned by this Protocol. Accordingly, upon signing this Protocol, the parties will work together to develop a plan to build awareness and training for all of Canada's employees and contractors who are or who will foreseeably be involved in the implementation of the protocol. Canada will provide a copy of the Protocol, as well as the Caring Society's information sheet, dated February 1, 2018, to all employees and contractors, and confirm with them that they have read and understood it.

#### **Consultations on Mid to Long Term Relief**

18. The Parties acknowledge that they have an obligation to engage in consultations on mid and long term relief, and to enter into a Protocol to guide these consultations. However, the Tribunal has not yet ruled on mid to long term relief issues, so a final Protocol on mid to long term relief may be premature. Nevertheless, the parties agree that this Protocol may be amended to apply to mid and long term relief, as well as compensation issues. The purpose and objectives in this Protocol, as well as the principles and parameters shall apply equally to mid and long term relief.
19. However, the scope of the consultations and the processes envisioned for the mid to long term relief shall be significantly different. Given the nature of the measures, the

consultations will be much broader. With regard to mid to long term relief, the Panel at paragraph 177 of its February 1<sup>st</sup> Ruling said: "It is inevitable, consultations need to be meaningful and broad, including rights holders, different Indigenous governance, Indigenous youth, the parties and experts."

20. Moreover, there is an expectation that the Parties will discuss the role of existing committees, including the National Advisory Committee and Regional Tripartite/Technical Tables in the carriage of mid to long term reforms. At paragraphs 176 and 177 of the February 1<sup>st</sup> Ruling, in response to a comment by Minister Bennett about reconstituting the NAC and the Regional Committees, the Tribunal agreed with the minister for the "long term aspect" of the reform process. In the meantime, the Parties will develop approaches, for the Tribunal's consideration, to address and resolve long-term relief requested but not yet ordered by the Tribunal such as, but not limited to, compensation.
21. The Parties, working with their respective constituencies as appropriate, will jointly develop strategies to address and implement mid-term and long-term reforms to the FNCFS Program and *1965 Agreement*, consistent with human rights, access to health, community capacity building, social development, First Nations' jurisdiction, treaty relationships, and the protection and retention of culture, language, customs and traditions in the First Nations context. This work will complement and not replace efforts towards mid-term and long-term reforms led by the NAC, Regional Committees, and First Nations.

### **Capacity and Funding**

22. Canada will provide the Complainants and Interested Parties with sufficient and adequate funding to ensure that their organizations can fully participate in the implementation of the Consultation Protocol, and in the consultation process itself, which includes the involvement of their respective legal counsel.
23. Canada will also make sufficient and adequate funding available to retain qualified experts or consultants to undertake any research, studies or assessment required to support the full implementation of the orders. Canada will consult the parties and pay for persons who may be deemed experts once it is agreed upon by all parties. Canada will fund parties to retain proposed experts where there is agreement between all parties that one or more of the other parties are better placed to enter into a specific needed contract. Prior to retaining a proposed expert, Canada shall disclose to the parties, the proposed expert's CV, proposal and Canada's proposed statement of work. No one will be considered an expert unless all parties agree.
24. Canada will provide the Complainants and Interested Parties with a yearly budget forecast on an annual basis setting out the allotment of funding for the coming year, based on an agreed upon workplan.

**Term, Termination and Amendment**

25. Consistent with the Order of the Tribunal, this Consultation Protocol shall remain in force until the immediate and mid to long term remedies are completely implemented, unless it is replaced by mutual agreement or the Parties or terminated earlier by determination of the Tribunal. It may be amended in writing at any time by mutual consent of the parties, and the amended version will be reported to the Tribunal.

26. The Protocol may be amended by agreement of the Parties provided such amendment is produced in writing.

**Non-derogation and Signing**

27. The Parties agree that nothing in this Agreement will be construed as abrogating, limiting or derogating in any way from First Nation's constitutionally protected Aboriginal and treaty rights. For greater certainty, this Agreement is not intended and shall not be construed to create, define, recognize, affirm, suspend, limit, deny, derogate or abrogate any Aboriginal or treaty rights of First Nation which may exist or be acquired in the future within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.

28. The Protocol may be signed in counter-parts. If signed in counter-parts, the Protocol becomes effective on the date of the last signature.

**THIS CONSULTATION PROTOCOL HAS BEEN EXECUTED BY REPRESENTATIVES OF CANADA, AFN, CARING SOCIETY, COO, NAN AND THE CHRC ON THE 2<sup>ND</sup> DAY OF MARCH, 2018.**

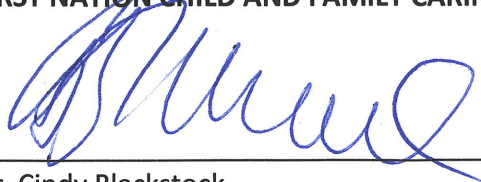
**CANADA**

  
\_\_\_\_\_  
The Honourable Jane Philpott

**ASSEMBLY OF FIRST NATIONS**

  
\_\_\_\_\_  
National Chief Perry Bellegarde

**FIRST NATION CHILD AND FAMILY CARING SOCIETY OF CANADA**



Dr. Cindy Blackstock

**CHIEFS OF ONTARIO**



Regional Chief Isadore Day

**NISHNAWBE ASKI NATION**



Grand Chief Alvin Fiddler

**CANADIAN HUMAN RIGHTS COMMISSION**



Per: Marie-Claude Landry  
Chief Commissioner



**First Nations Child and Family Services:  
Round of Community Initiatives  
2018-2019**

***Proposals we have already committed to funding:***

<b>Region</b>		<b>Pilot and Project Initiatives</b>	
<b>Community Well-Being</b>			
<b>Newfoundland and Labrador</b>	<b>Sheshatshiu</b> – Emergency Placement Home ongoing costs- May be negotiated		
	<b>Mushuau</b> Emergency Placement Home		
	<b>IRTS</b> prevention activities		
<b>Manitoba</b>	<b>Ma Mawa Wi Chi Itata Centre</b> to repatriate children with their families with overall goal of reducing children in care (explore partnership with province) (Funding has flowed)		
	Part of <b>Abinooyitag</b> proposal (from Assembly of Manitoba Chiefs – First Nations Family Advocate Office proposal) to support family restoration and traditional supports (Funding has flowed)		
	<b>Métis National Council</b> to conduct engagement on how best to support culturally appropriate reform for Métis Nation		
<b>Saskatchewan</b>	<b>Yorkton Tribal Council Child and Family Services Inc.</b> for research to develop an Indigenous model of intervention		
<b>Alberta</b>	<b>Treaty 8</b> - proposal for the creation of an urban office to serve the Treaty 8 members and provide case management and culturally appropriate services under delegation of the Ministry and collaborate with FN and councils of Treaty 8		
<b>British Columbia</b>	<b>Esk’etemec</b> to support pilot social worker to address root causes of child removal		
	<b>Stikine</b> for Wholistic Wellness Group (northern remote)		
	<b>Okanagan Nation Alliance</b> for part of implementation of mental wellness framework		
<b>Jurisdiction</b>			
<b>Nova Scotia</b>	<b>Mi’kmaw Child Welfare Initiative</b> to advance community capacity and infrastructure and ultimately a governance system for the Mi’kmaq of Nova Scotia to assume jurisdiction over child welfare.		
<b>Ontario</b>	Support Koganaasawin, the central organization structure to support the implementation of the <b>Anishinabek Nation Child Well-Being Law</b> , and to support double bilateral meetings with Canada and Ontario – Ongoing funding requested -being negotiated		
<b>Manitoba</b>	<b>Sioux Valley</b> to enable community-delivered prevention activities (\$1M transfer completed)		
	<b>Manitoba Métis Federation</b> support of increased governance capacity for CFS		
	<b>Assembly of Manitoba Chiefs</b> – Memorandum of Understanding for FN jurisdiction and family well-being		
<b>British Columbia</b>	<b>Wet’suwet’en Working Group</b> - support for governance and jurisdiction discussions (with Treaty and Governance-TAG)		
	<b>Secwepemc (Shuswap) Nation Tribal Council:</b> Explore the potential		

	for federal and provincial enabling legislation to support jurisdiction over child and family services at Nation level
<b>Other</b>	
<b>Newfoundland and Labrador</b>	<b>Innu Inquiry</b>
<b>Ontario</b>	<b>Ontario Special Study</b>
	<b>NAN remoteness study</b>

Overview of Agreements and MOUs related to Child and Family Services – Draft Updated August 17, 2018

Indigenous Group/ Organization	Region	Federal / Provincial Parties	Details	Current Status or Date signed (if applicable)
Secwépemc Nation	BC	ISC CIRNA BC	Memorandum of Understanding among the Secwépemc Nation, the Province of BC, and Canada (represented by Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada) on jurisdiction for child and family services	Memorandum of Understanding signed July 27, 2018
First Nations Health Council	BC	CIRNA	Memorandum of Understanding between Canada and the First Nations Health Council in relation to services for First Nation children and families in British Columbia	Memorandum of Understanding signed February 14, 2017
Métis Nation of Alberta	AB	CIRNA	Memorandum of Understanding and framework agreement signed that provide measures for jurisdiction over child and family services	Memorandum of Understanding signed January 30, 2017
Federation of Sovereign Indigenous Nations	SK	ISC	Canada and Federation of Sovereign Indigenous Nations signed a Letter of Accord confirming their partnership to reform child and family services for First Nations in Saskatchewan	Letter of Accord signed July 24, 2017
Métis Nation of Saskatchewan	SK	CIRNA	Memorandum of Understanding addresses jurisdiction over child and family services in Saskatchewan	Memorandum of Understanding signed February 22, 2018
Assembly of Manitoba Chiefs	MB	ISC	Memorandum of Understanding signed to recognize and reaffirm jurisdiction over child and family services	Memorandum of Understanding signed December 7, 2017
Manitoba Métis Federation	MB	CIRNA	Memorandum of Understanding and draft framework agreement signed - both include measures to recognize jurisdiction over child and family services	Memorandum of Understanding signed May 27, 2016 and draft FWA signed November 15, 2016 - discussions and negotiations are ongoing since December, 2017

Overview of Agreements and MOUs related to Child and Family Services – Draft Updated August 17, 2018

Chiefs of Ontario	ON	ISC ON	Joint commitment on policy and funding reform for First Nations Services in Ontario among Chiefs of Ontario, Canada, and the Province of Ontario.	Joint commitment signed on April 12, 2018
Métis Nation of Ontario	ON	CIRNA ON	Memorandum of Understanding between the MNO, CIRNA and Ontario recognizing jurisdiction over child and family services - also discussed in signed framework agreement	Memorandum of Understanding signed February 3, 2017 and framework agreement signed December 11, 2017
First Nations Leadership Council: Reconciliation Charter for First Nations Child and Family Well-Being in British Columbia (MOU)	BC	ISC BC	Shared objective is for First Nations to govern their own children and families using approaches grounded in their own cultures and tradition.	Signed April 2017 by: Province of BC, BC Assembly of First Nations, First Nations Summit, Union of BC Indian Chiefs and the Government of Canada