

Draft Agreement on Long-Term Reform of the First Nations Child and Family Services Program



WHAT IS IT?

- \$47.823B funding commitment over 10 years
- Changes how funding is allocated with a focus on indicators of wellbeing for First Nations children and families
- Aims to permanently end the discrimination found by the Canadian Human Rights Tribunal (CHRT)

HIGHLIGHTS

- Recognition and support for First Nations inherent rights and jurisdiction
- First Nations being funded to deliver child and family services under a jurisdiction agreement will not receive any less funding
- Funding to address poverty-related drivers such as funding for prevention, housing, and emergency support for basic needs
- Flexible funding mechanism
- Mechanisms to support collaborative relationships between First Nations Child and Family Services (FNCFS) Agencies and the First Nations they serve
- Funding directly to First Nations for First Nations Representative Services (Band Representatives) to support involvement in FNCFS matters
- \$2 billion dollar Housing Fund commitment over five years to address housing related needs linked to child welfare and wellbeing (building, renovations, remediation)

KEY ISSUES

1. FIRST NATIONS GOVERNANCE

- First Nations are included in the definition of "Service Provider"
- First Nations are wholly represented by the Assembly of First Nations (AFN), Chiefs of Ontario (COO), and Nishnawbe Aski Nation (NAN)

2. GOVERNANCE STRUCTURES

- Creates a First Nations National Secretariat directed by the AFN, COO and NAN
- Regional Secretariats determined by the AFN

3. REDUCTION IN CAPITAL FUNDING

- Capital funding for the Canadian Human Rights Tribunal (CHRT) Order 41 ends March 31, 2025
- As of April 1, 2025, Capital projects will no longer be funded "at cost"
- New Capital Funding process not currently in FSA - to be developed by Canada, AFN, COO and NAN by September 1, 2024

4. BC-SPECIFIC FISCAL FRAMEWORK

- By resolution, Chiefs in BC called for the development of a BC-Specific fiscal framework for child & family services
- If the FSA is ratified, Canada is not obligated to provide funding for anything outside of the FSA
- Canada and the AFN have not provided regional breakdowns of funding allocations

5. DISPUTE RESOLUTION

- Ends the jurisdiction and oversight of the CHRT
- Establishes Dispute Resolution Tribunal (DRT) brought into force through legislation
- DRT overseen by President appointed by OIC
- President selects roster of adjudicators to hear disputes
- DRT process is binding on participants

AVENUES FOR IMPROVEMENT

- First Nations recognized throughout the agreement as governments, not "Service Providers"
- Final Settlement Agreement (FSA) confirms meaningful space for First Nations title and rights holders in implementing the FSA

- Regional appointments to the National Secretariat Board of Directors
- Locations and establishment of Regional Secretariats determined by First Nations in each region, and in accordance with regional processes

- Capital continues to be funded at-cost until a new Capital Funding process is developed and approved by Chiefs
- FSA confirms all applications received under CHRT Order 41 prior to the transition will be funded at cost to completion

- Request and review a breakdown of funding allocations by region and recipient type prior to voting on the FSA
- Amendments in the FSA to include regional frameworks and disaggregated data for regional analysis

- Appointment of President approved by First Nations leadership
- Enabling legislation co-developed with First Nations
- Transparent process for selection of adjudicators
- Simplified process for First Nations to return to CHRT