



ASSEMBLY OF FIRST NATIONS BULLETIN

February 29, 2024

Update on Final Settlement Agreement on Long-Term Reform of FNCFS and Jordan's Principle

The Assembly of First Nations issues regular updates on work underway at the national office. More information is available at www.afn.ca.

Summary:

- In 2016, the Canadian Human Rights Tribunal (CHRT) found that Canada was discriminating against First Nations children and families under the First Nations Child and Family Services Program (FNCFS) Program and in its narrow application of Jordan's Principle.
- Negotiations to reform the FNCFS Program have been ongoing for several years and resulted in the 2021 Agreement-in-Principle (AIP) to which the AFN, the First Nations Child and Family Caring Society (Caring Society), Canada, Chiefs of Ontario (COO), and Nishnawbe Aski Nation (NAN) are parties.
- The AIP outlined the general scope of reforms which would inform a Final Settlement Agreement on FNCFS and Jordan's Principle.
- In 2023, the AFN and the Caring Society jointly developed an alternative path for negotiations, which called for the negotiations relating to Child and Family Service reforms and Jordan's Principle reforms to be separated. Canada required a new mandate to move forward, which was received in October of 2023.
- As of February 2024, negotiations have continued to progress positively.
- The AFN remains committed to finalizing the settlement agreement on reforms to the First Nations Child and Family Service Program by March 2024 and the Jordan's Principle reforms by December 2024, as directed by First Nations-in-Assembly through AFN Resolution 40/2022.

Update on the Status of Long-Term Reform of FNCFS and Jordan's Principle

As a result of AFN *Resolution 40/2022*, the AFN and the Caring Society jointly developed an alternative path for negotiations, which called for the negotiations relating to Child and Family Service reforms and Jordan's Principle reforms to be separated. This separation, outlined in the "*Joint Path Forward*" proposal, was intended to ensure that each area received the focus necessary to address its unique challenges effectively, including the completion of related research. The *Joint Path Forward* included a timeframe for the completion of a Final Settlement Agreement (FSA) on the FNCFS Program, continuing research related to Jordan's Principle, and the completion of a separate FSA on Jordan's Principle.

Canada was required to seek a new mandate to reflect the extended timeframes to complete the now separate final agreements that were proposed by the AFN and the Caring Society.

Despite the delay in securing a revised mandate from Canada, the mandate was eventually approved by Cabinet in late October 2023. This was a significant step forward, which provided for an extension in the negotiation timeline to account for the delay in securing the revised mandate, and in the interest of accommodating the review and approval processes required by First Nations-in-Assembly.

In January 2024, the Caring Society filed a non-compliance motion against the federal government for, among other items, failing to process Jordan's Principle claims in a timely manner. The AFN acknowledges the significant issue of First Nations children experiencing delays in the processing of their requests for accessing services. The AFN is currently reviewing the details of the Caring Society's motion in order to support next steps.

The AFN remains committed to finalizing the settlement agreement on reforms to the FNCFS Program by March 2024 and the Jordan's Principle reforms by December 2024, as directed by First Nations-in-Assembly through AFN Resolution 40/2022 and commitments under the AIP. Discussions under the Agreement in Principle are progressing positively.

Background

In 2016, the CHRT found that Canada was discriminating against First Nations children and families under the First Nations Child and Family Services Program (FNCFS) Program and in its narrow application of Jordan's Principle. Canada was ordered to reform the program to eliminate its discriminatory aspects and give full effect to Jordan's Principle.

The AFN, the Caring Society, COO, NAN, and Canada have been negotiating reforms to Canada's First Nation Child and Family Services Program, which was initiated in 1991. An Agreement-in-Principle (AIP) was signed in December of 2021 following direction from the AFN Executive Committee. The AIP set out the major terms of the settlement on LTR and established a clear process to the Final Settlement Agreement.

At the AFN Special Chiefs Assembly in December 2022, the First Nations-in-Assembly passed AFN Resolution 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordans Principle*. AFN Resolution 40/222 called for the First Nations-in-Assembly to be fully informed on the agreement terms and mandated the AFN to seek the Assembly's approval before finalization.

The AFN will continue to provide regular updates on the status of Long-Term Reform of FNCFS and Jordan's Principle. For more information, please visit the www.fnchildcompensation.ca or contact:

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