

Loving Justice Plan & Canada's Plan

2025 CHRT 80



Hosted by the Our Children Our Way Society



STANDING TOGETHER FOR A BETTER FUTURE



UNIS POUR UN AVENIR MEILLEUR



First Nations Child & Family
Caring Society of Canada

Société de soutien à l'enfance
et à la famille des Premières Nations
du Canada

Panelists

- **Sam Hull**, Confederacy of Treaty 6 Nations
- **Judy Red Hummingbird Wilson**, OCOW Elder Advisor
- **Chief Pauline Frost**, Chair of the National Children's Chiefs Commission
- **Dr. Cindy Blackstock**, Executive Director, Caring Society

Outline

- Welcome and Opening, Judy Red Hummingbird Wilson
- National Children's Chiefs Commission Update, Chief Pauline Frost
- Overview of Loving Justice Plan & Canada's Plan, Dr. Cindy Blackstock
- Q&A

Upcoming webinars

- Addressing Regional Realities: Loving Justice and Canada's Plan
- Funding Models Compared: Loving Justice and Canada's Plan
- Governance, Enforcement & Accountability: Loving Justice and Canada's Plan
- Accountability in Service Level Agreements: Loving Justice and Canada's Plan



CHRT 80 Plans

- **Loving Justice Plan**
 - Reflects First Nations input, research, legal orders
 - National minimum standards with regional variations to address distinct needs and circumstances
 - First Nations led governance & oversight
 - Flexible funding: capacity-building, actuals as a backstop
 - **Canada's Plan**
 - Based on rejected draft Final Agreement
 - Advisory role for First Nations
 - Canada retains control
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Canada's Tactics

- Divide & conquer
 - Take it or leave it “negotiations”
 - Weaponize time
 - Avoid accountability
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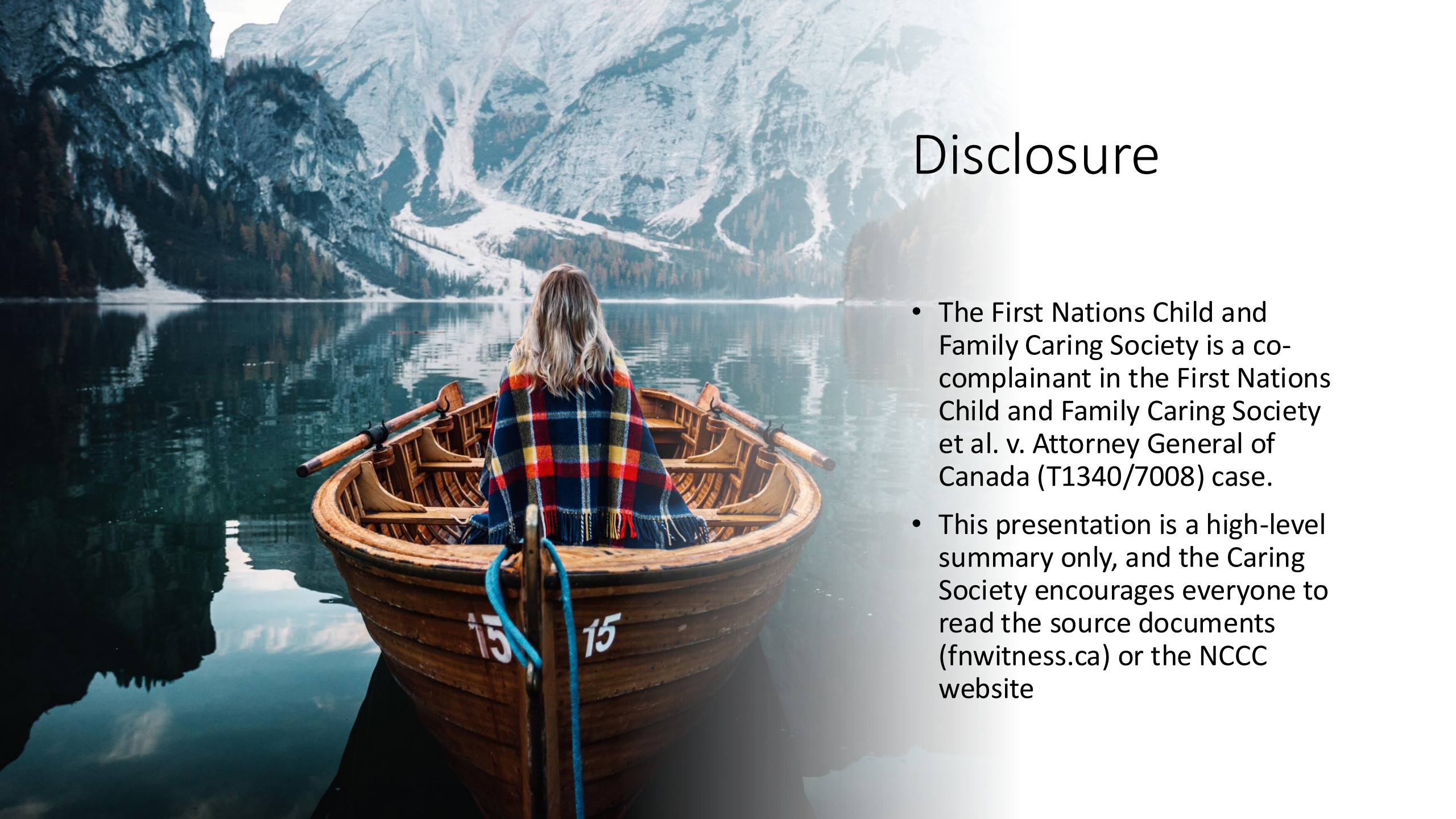
Comparing The First Nations' Loving Justice Plan and Canada's Plan

January 30, 2026



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du Canada

A person with long blonde hair, seen from behind, is sitting in a wooden boat on a calm lake. They are wearing a colorful plaid blanket. The boat has the number '15' painted on its side. The lake reflects the surrounding steep, rocky mountains and the person in the boat. The sky is overcast.

Disclosure

- The First Nations Child and Family Caring Society is a co-complainant in the First Nations Child and Family Caring Society et al. v. Attorney General of Canada (T1340/7008) case.
- This presentation is a high-level summary only, and the Caring Society encourages everyone to read the source documents (fnwitness.ca) or the NCCC website



What is the CHRT case about?

Permanently stop Canada's discrimination against First Nations children, youth and families in:

First Nations Child and Family Services

Jordan's Principle

What are the minimum standards binding Canada?

- Tribunal's order to cease discrimination is treated the same as an injunction (para 60)
- Orders meant to safeguard multiple generations (para 61)
- Improve on the CHRT orders and respect the spirit of the orders (para 113 (5))
- Based on best available evidence (para 113 (4))
- Respect the human rights in the Convention on the Rights of the Child and UNDRIP (para 113 (8))
- Incorporate regional and First Nations perspectives (para 113)
- Plan will proceed with or without Canada (para 125, 126)



What did 2025 CHRT 80 order the CHRT parties to do?

Canada

- Create a plan to remedy its discrimination, with evidence and in alignment with the Tribunal orders, and file by December 22, 2025
- Encouraged Canada to work with Caring Society, AFN and NCCC on one plan- Canada refused and sought juridical review of 2025 CHRT 80 (ongoing)

Caring Society and AFN

- Ordered to engage nationally (outside Ontario) with First Nations and experts (including youth) to develop a plan to remedy Canada's discrimination with evidence and in alignment with the Tribunal's orders
- Encouraged collaboration with the National Children's Chiefs Commission

Creating Loving Justice

- Collaboration between NCCC and Caring Society and supported by AFN
 - Engagement themes, guides and tools informed by evidence, Leadership direction and CHRT orders
- Over 100 submissions from First Nations and their experts (including youth) informed Loving Justice
- Loving Justice was blessed in a solstice ceremony at T'kemlups Secwépmc guided by Elders and Knowledge Keepers
- The phrase "we love you" wraps the Loving Justice plan
- Loving Justice is available in both official languages

The Loving Justice Plan: First Nations Child and Family Services (Outside Ontario)

Filed pursuant to 2025 CHRT 80

December 22, 2025

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"We Love You"

Creating Canada's Plan

The Minister has made public statements that she has been speaking to rights holders, but details are few

No known national engagement with First Nations, experts and youth

Cites some evidence

Affidavits in support are affirmed by public servants

First Nations plan to end Canada's discrimination in child and family

The Loving Justice Plan: First Nations Child and Family Services (Outside Ontario)

Filed pursuant to 2025 CHRT 80

December 22, 2025



- **Wrapped in Ceremony and Love**
- **Informed** by over 100 submissions from First Nations, youth and experts
- **Comprehensive Reform** to permanently end Canada's discrimination in First Nations child and family services
- **Governance** is informed by over 100 submissions from First Nations and experts. First Nations-led governance
- **Durable funding (not term-limited)**
- **Designated capacity-building funds**
- **Multi-layered monitoring and enforcement**
- **Respects First Nations children**
- **Regional variations** based on national minimum (and enforceable) standards

Canada's Plan Highlights

- Provides for 27 B from 2026-2034
 - Includes \$4.4B ongoing after 2034
 - Largely based on the rejected FSA and OFA
 - Requires a declaration that Canada's plan satisfies, supersedes, and replaces Tribunal orders in child and family services.
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- Developed without consultation with First Nations
 - Consists of a national approach developed by ISC and regional agreements within ISC-imposed limits.
 - Weak enforcement and independent oversight
 - No designated capacity building fund

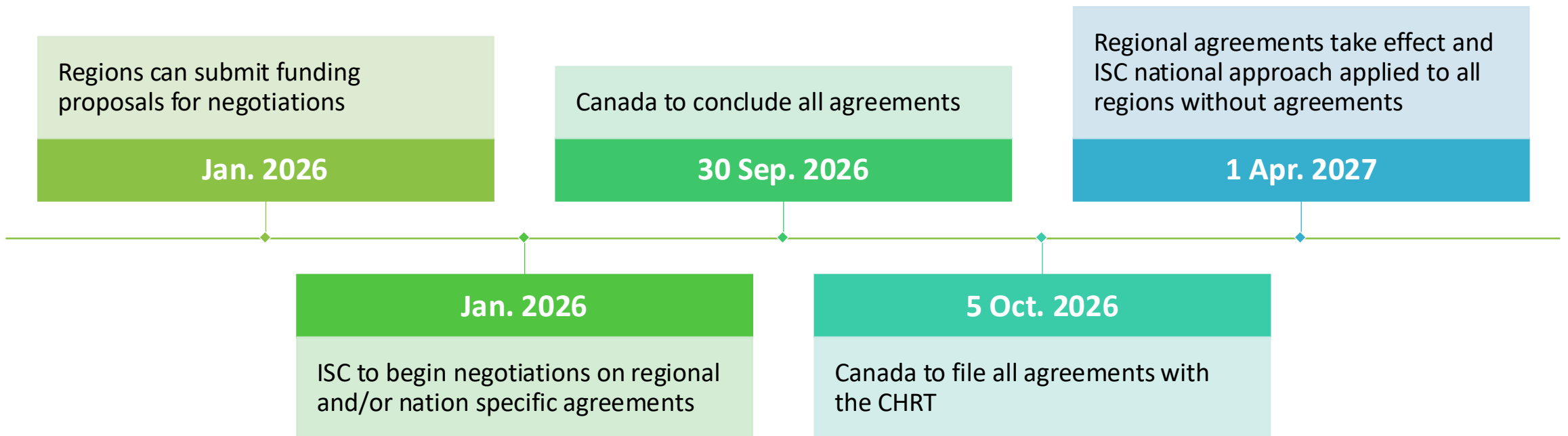
Comparative Summary

Dimension	Loving Justice National Plan	Canada's National Plan
Stopping Discrimination	Strongest, permanent, enforceable	Less oversight and explicit accountability for Canada, Canada-led
Funding Mechanisms	Statutory, protected, flexible, enforceable	Formula-based, flexible, less robust
Child Rights	Informed by youth. Robust, outcome-based, UNDRIP/CRC	Principles referenced, less detail
First Nations Rights	First Nations informed and led, OCAP®, control (National Oversight Council)	Participation, but Canada retains control
Regional Variations	Enforced minimums, flexible, capacity-building	Regional implementation of some elements, unclear enforcement
Enforcement	Multi-layered: Tribunal, litigation fund, binding	Cease CHRT jurisdiction and set up new Tribunal, depends on legislation, excludes Ontario

Canada's approach to “regional negotiation.”

- **Regional implementation of a national pre-set model developed without First Nations input.**
- Canada will fund regions for this approach
- Core funding, structures, and rules are already set
- Regional talks focus on administration and implementation
- The model itself does **not** change region by region
- If no agreement is reached, Canada proceeds anyway
- **In short:**
Regional negotiation = **how to deliver Canada's approach**

Canada's Regional Plan timeline



What Loving Justice means by “regional negotiation”

- **Minimum human-rights standards developed with input from First Nations with enforceable measures.**

Regions decide what further measures are needed to achieve justice, given their realities.

- National reforms are a **floor, not a ceiling**
- Regions can strengthen funding, services, and governance
- Cultural, legal, and service models are region-defined
- If Canada fails to engage in good faith in regional variations, regions can bring forward their own plans to the Tribunal

- **In short:**

Regional negotiation = making reforms strong enough to end discrimination

Negotiability Chart — Canada’s National Plan (Outside Ontario)

Category	Not Negotiable (Fixed Nationally)	Negotiable (Region-Specific)
Funding Structure	Core funding elements (baseline, prevention formula, FN Rep Services, post-majority supports, IT/results/emergency, household supports, capital methodology)	Limited: How funding is allocated within regions (between First Nations and agencies)
Funding Formulas	Per-capita Prevention amount (& minimums), Ontario-aligned FN Rep Services, remoteness, inflation, population adjustments	Limited: Default recipients of funding; internal regional distribution choices
Total Funding & Term	\$27B over 7 years (2027–2034); \$4.4B ongoing funding after 2034	None
Implementation Date	April 1, 2027 (subject to CHRT approval)	None
National Principles	Substantive equality, best interests, cultural safety, UNDRIP alignment, self-government recognition	Limited: Ability to add additional regional principles
Accountability Direction	Accountability of service providers to First Nations (required) Limited provisions for Canada’s accountability	Limited: Region-specific planning tools, reporting models, and accountability mechanisms
Governance	National Framework applies everywhere	Limited: Design and role of regional governance bodies
Program Assessments	Requirement for assessments	Limited; Timing, scope, indicators, and assessment approach
Tribunal Outcome	Plan intended to supersede prior CHRT remedial orders (outside Ontario)	None

Relationship between CFS and Jordan's Principle

Based in systemic discrimination
substantiated in 2016 CHRT 2

Subject to CHRT orders for Canada
to permanently cease discrimination

Children without supports more
likely to be in care

CFS funding insufficient to eliminate
access to Jordan's Principle

Politics

Mi'kmaw mother could lose custody of 3 disabled children after feds threaten to cut funding

Family's lawyer says Ottawa contacted Nova Scotia child welfare authorities, wants province to foot bill



Olivia Stefanovich · CBC News · Posted: Nov 01, 2024 1:00 AM PDT | Last Updated: November 1, 2024



Listen to this article ⓘ
Estimated 5 minutes



A Mi'kmaw family is on the verge of losing essential supports for three children with disabilities because the federal government wants the Nova Scotia government to pay for the services.

Links between Jordan's Principle and Child and Family

- Children being placed in care due to service gaps/shortfalls
- 2000 Recommendation in Joint National Policy Review on CFS
- 2005 Jordan's Principle first appeared in Wen:de reports on CFS
- 2007 Jordan's Principle included in CHRT complaint
- 2013-2014 Evidence filed at the Tribunal linking Jordan's Principle and CFS
- 2025: Canada cuts/restricts Jordan's Principle – CFS and parents report resurgence in children at risk of child welfare placement

What is Next at the CHRT?

Case Conference on January 21, 2026 (decision on specific next steps under reserve)

Proceedings on 2025 CHRT 6 are ongoing to address the current non-compliance on Jordan's Principle

Path to permanently end Canada's discrimination on Jordan's Principle TBD

How You Can Help

- Call on the Minister of Indigenous Services Canada to call on her to adopt the Loving Justice Plan
- Call on Canada to fully comply with all current CHRT orders, including those on Jordan's Principle
- Conduct your own analysis of Loving Justice and Canada's plan and let us know your questions and observations.

