

We Can Do Better

Improving the Draft Final Settlement Agreement on long-term reform of First Nations Child and Family Services

Presented by
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September 8, 2024



First Nations Child & Family
Caring Society of Canada

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



Disclosure

- The Caring Society is a co-complainant to the First Nations Child and Family Caring Society et al v. Attorney General of Canada proceedings.
- The Caring Society respects the other parties but takes a different view on issues and prefers an open, transparent and accountable negotiation process.
- The Caring Society is, and will remain, apolitical and independent.
- **We recommend that First Nations consult with their legal counsel and their child and family service experts**

What is the CHRT case about?

Stop Canada's discrimination against First Nations children, youth and families now and forever in:

First Nations Child and Family Services

Jordan's Principle



Three Paths to ending Canada's Discrimination and Preventing Recurrence



Negotiation

Final Settlement Agreement (FSA)

Requires agreement from Canada

Approval by First Nations Leadership

Approval by Tribunal



Combination

Consent order on matters
Canada agrees to in negotiation

Contested hearing on other matters

Orders do not expire unless replaced by another order



Litigation

Does not require Canada's agreement

Party positions should be consistent with First Nations' direction

Tribunal process is public

Finalizing the CFS Human Rights Case



Complete: Research with First Nations and Agencies to generate a solid funding structure (IFSD)



Incomplete: Review of IFSD recommendations by technical experts



Not started: Rewrite/significantly amend the current FSA with input from First Nations and technical experts



New draft for Leadership decision making and approval



If approved, it goes to the Tribunal for review and final order



What you need to know

- **AFN Resolution 40/2022 not followed in negotiation of CFS FSA**
- **Draft FSA is on child and family services only & has serious weaknesses and poor enforceability**
- **Negotiation is not the only path forward- this is a legal case with legal orders**
- **No process for receiving or processing amendments**
- **This FSA is a precedent – another FSA on Jordan’s Principle is coming with same parties (Canada, AFN, COO and NAN)**
- **Non -compliance motion on Jordan’s Principle this week b/c Canada broke negotiated AIP agreement to fix discrimination**
- **Canada and AFN opposing all relief sought by the BC Leadership Council and Caring Society. AFN proposing short term orders so it can negotiate a Jordan’s Principle FSA by March 31, 2025**

AFN, COO, NAN
and Canada's
obligation to
promote the FSA
to get
endorsement by
First Nations
Leadership

PART XXIV – COOPERATION AND APPROVAL

Cooperation of First Nations Leadership and Tribunal Approval

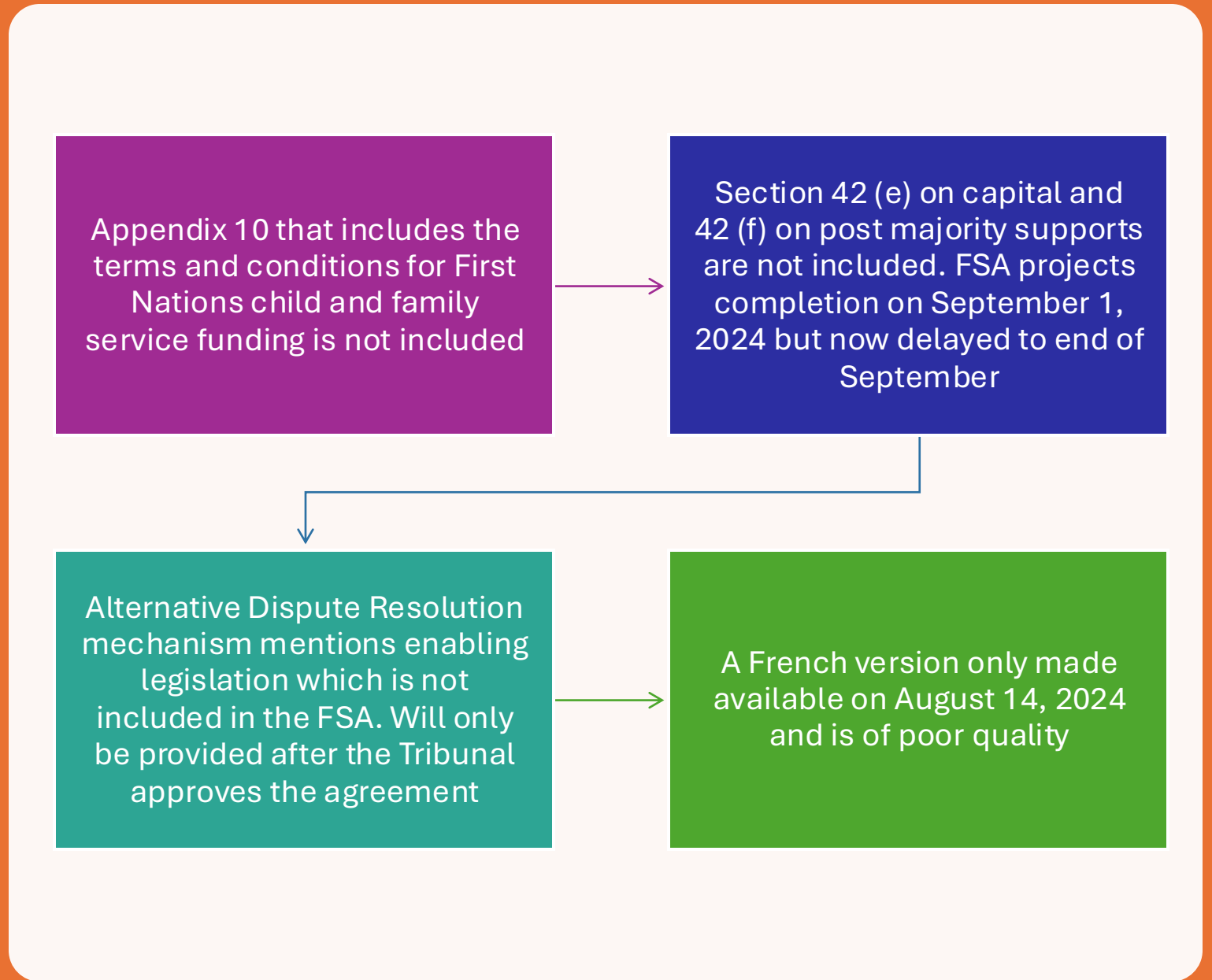
379. The Parties shall speak publicly in favour of this Final Settlement Agreement and shall make best efforts to procure the endorsement of this Final Settlement Agreement by First Nations leadership and, subject to such endorsement by way of resolution, to procure the approval of this Final Settlement Agreement by the Tribunal or, as necessary, the Federal Court or further Appellate Court.
380. For clarity, the coming into force of this Final Settlement Agreement is contingent on the endorsement of First Nations leadership and approval by the Tribunal or, as necessary, the Federal Court or further Appellate Court, and shall be of no force and effect should such endorsement and approval not be obtained.

Public Statements and Announcements

381. The Parties shall cooperate with respect to the release of joint public statements announcing this Final Settlement Agreement and shall make public announcements in support of the Final Settlement Agreement.



The Draft FSA is not complete



Dealing with changes in government

Risk of rushing a deal is that a bad deal could be undone easily by the next government

Draft FSA has insufficient safeguards to protect against government changes and would be difficult to enforce in the courts

CHRT legal orders can be enforced against any government.

Best safeguards are statutory funding, strong funding purpose, definitions and structure and showing results for kids



Myth: Approve the FSA or lose all the money

The vast majority of the funds currently flowing on child and family services result from CHRT legal orders that were not appealed and do not expire. Legal orders can only be replaced by another legal order.

The funding status quo remains if the draft FSA is not approved and sent back for revisions. Canada could refuse to negotiate but then would have to demonstrate its approach stops and prevents the discrimination despite First Nations Leadership opposing it.

If Canada does not comply with the legal orders enforcement measures can be taken and a retaliation complaint can be filed if it breaches the non-retaliation provisions of the Canadian Human Rights Act.

Existing CHRT orders on Child and Family funding

- **2018 CHRT 4-** Canada pays the actual cost of intake and assessment, building repairs, legal and (prevention/least disruptive measures actuals replaced by 2022 CHRT 4)
- **2018 CHRT 8-** Canada to pay for band representatives
- **2021 CHRT 41-** Canada must fund the actual cost of capital for the provision of child and family services and Jordan's Principle
- **2022 CHRT 8-** Canada must fund prevention at 2500 per resident on reserve adjusted by inflation and population, post majority services, and band representative services. The Expert Advisory Committee is mandated to develop and implement a work plan to ensure Canada's discrimination stops and does not recur.



Caring Society: Significant Concerns

- Governance- replaces First Nations decision making with secretive governance controlled by AFN, Canada, COO and NAN
- Does not hold Canada accountable to stop discrimination and prevent recurrence
- Accountability for First Nations and Agencies but not for provinces
- Defines First Nations child via Indian Act v. recognition by Nation
- Ends in 10 years- no protection for future generations
- Fixed budget and insufficient funding safeguards
- Replaces Tribunal orders and jurisdiction with an ADR that can't address systemic complaints or award more funds (including for First Nations and regional variations)
- Splits amounts for agencies with First Nations without capacity funds
- No accounting for small population First Nations

Caring Society Process Recommendations



Caring Society does not support the current FSA



Clear, transparent and inclusive amendment and negotiation process needs to be approved by First Nations that preserves option to litigate on items Canada will not agree to



Amendments can be discussed at Leadership SCA in October, 2024. No negotiation on Jordan's Principle FSA until negotiation mandate, team and protocol approved by Chiefs



If amendments are adequately addressed, then a vote could be held in the December 2024 SCA

Important roles for Leadership

- Establish a transparent and inclusive Children's Chiefs Committee to report to Chiefs
- Ensure resolution 40/2022 is followed and other resolutions not blocked.
- Accountability for Canada to be the focus
- Direct AFN to establish a clear, transparent and accountable FSA amendment process to that preserves right to litigate
- Direct AFN to develop a transparent, inclusive and open FSA re-negotiation/negotiation protocol and suggested negotiation team for approval by Leadership
- October SCA to discuss amendments/negotiation protocol and December possible vote
- Direct AFN to fully support the Caring Society's non-compliance motion and BC Leadership Council positions on Jordan's Principle
- AFN to return to Chiefs with a negotiation mandate, protocol and suggested negotiation team for the Jordan's Principle FSA that preserves right to litigate per 40/2022

We can do better: Improving the draft FSA

- ✓ Retain the CHRT Jurisdiction
- ✓ Canada holds duty to prevent and address discrimination
- ✓ Enforceable orders to ensure non-discrimination
- ✓ Inter-generational equity (beyond year 10)
- ✓ Substantive equality for all jurisdictional and service delivery options
- ✓ Inclusive, transparent and accountable governance
- ✓ First Nation and regional variations fully supported
- ✓ Account for small populations
- ✓ Ability to have additional funding to meet needs
- ✓ Funding for First Nations capacity development and service coordination
- ✓ Long-term statutory funding for child and family services



FSA Strengths

01

It includes substantive equality as a principle.

02

It places the funding in a special purpose allotment to safeguard against ISC using it for different purposes,

03

It recognizes the importance of collecting data to show how First Nations children are doing over time. However, there are sufficient resources for data collection.

Governance and Dispute Resolution

Draft FSA Approach	Proposed Amendment to the Draft FSA
<p>The Reform Implementation Committee (the “RIC”) shall oversee and monitor the implementation of the Reformed FNCFS Program. The RIC shall receive input, recommendations, or observations from the Parties, and the various committees under the Draft FSA:</p> <ul style="list-style-type: none">• Expert Advisory Committee• NAN-Canada Remoteness Quotient Table• NARC-Canada Remoteness Quotient Table• National Secretariat• Systemic Review Committee (SRC)• Technical Advisory Committee (TAC)	<p>Replace the RIC with a National Children’s Chiefs Committee</p> <ul style="list-style-type: none">- Affirm that all First Nations Chiefs are the decision makers- Reconvene the National Advisory Committee (the “NAC”) to provide technical advice to the Chiefs’ Committee, Chiefs in Assembly, First Nations not affiliated with the AFN, and regional bodies

Governance and Dispute Resolution

Draft FSA Approach	Proposed Amendment to the Draft FSA
<p>National Secretariat & Regional Secretariat</p> <ul style="list-style-type: none">- The National Secretariat shall be independent from the Government of Canada. It shall be First Nations-led, apolitical, not-for-profit.- The membership of the National Secretariat shall be the AFN, COO and NAN. The AFN shall incorporate the National Secretariat.	<p>Replace National Secretariat Model with NAC oversight</p> <ul style="list-style-type: none">- NAC will develop models for the National Secretariat and regional secretariats for recommendation to the National Children's Chiefs Committee and decision making by First Nations
<p>Expert Advisory Committee</p> <ul style="list-style-type: none">- The Reform Implementation Committee shall oversee the Expert Advisory Committee, including providing direction and guidance as required.	<p>The Expert Advisory Committee shall be an independent open, and transparent committee</p> <ul style="list-style-type: none">- Established to respond to the reasons and guidance of the Tribunal- The EAC shall develop its own Terms of Reference, which shall be public, and Canada shall provide adequate funding to the EAC to fully discharge its responsibilities.

Governance and Dispute Resolution

Draft FSA Approach	Proposed Amendment to the Draft FSA
<p>Selection and Oversight of the Program Assessment Organization</p> <ul style="list-style-type: none">- The AFN shall initiate a separate request for proposal to select and retain the Program Assessment Organization(s) to conduct each of the Program Assessment(s), on the advice of the Reform Implementation Committee.	<p>The NAC shall oversee the Program Assessment Organization with advice of the NCCC</p> <ul style="list-style-type: none">- The review conducted by the Program Assessment Organization shall be transparent, inclusive, and accountable including publicly posting the study methods, sample sizes and criteria, findings and recommendations.
<p>Dispute Resolution Regarding Initial Program Assessment</p> <ul style="list-style-type: none">- In a Parties' Dispute concerning Canada's decision about whether or how any recommendations contained in the Initial Program Assessment Opinion will be implemented, the Dispute Resolution Tribunal shall assess the reasonableness of Canada's decision and may order any remedy that could at common law be awarded on judicial review	<p>In a Parties' Dispute concerning Canada's decision about whether or how any recommendations contained in the Initial Program Assessment Opinion, there shall be a presumption that the findings and recommendations of the Initial Program Assessment Opinion ought to be implemented. The Dispute Resolution Tribunal may order any remedy that could be made in accordance with section 53(2) of the <i>Canadian Human Rights Act</i></p>

Governance and Dispute Resolution

Draft FSA Approach

Jurisdiction of the Dispute Resolution Tribunal

- process, adjudicate, and resolve Disputes, including by making procedural and substantive decisions;
- on request of a party to a dispute, order any party to a Dispute to take any reasonable interim measure in relation to the health or safety of a child as the Dispute Resolution Tribunal may consider necessary in respect of the subject matter of a Dispute;
- order such remedies as are permitted under this FSA, having regard to the parameters of the Parties' Dispute Process and Claimant Dispute Process and the limitations and remedies set out in paragraphs 231 and 241;
- order funding to a particular FNCFS Service Provider as set out in this FSA;
- order that interest be paid on amounts ordered to be paid on the same basis as in the Federal Courts Act
- order Canada to pay the legal costs of any party to a Dispute on such terms as are just and in accordance with rates for counsel funded by Canada at the rates provided for by the Department of Justice's external agent counsel rates.

Proposed Amendment to the Draft FSA

- process, adjudicate, and resolve Disputes, including by making procedural and substantive decisions;
- **make any order or give any direction that could be made in accordance with the Canadian Human Rights Act, including in relation to claims alleging retaliation and injunctive orders to stop Canada from retaliating;**
- on request of a party to a dispute, order Canada to take any reasonable interim measure in relation to the health or safety of a child as the Dispute Resolution Tribunal may consider necessary;
- order such remedies as are permitted under FSA, having regard to the parameters of the Parties' Dispute Process and Claimant Dispute Process and the limitations and remedies;
- order funding to a particular FNCFS Service Provider or group of FNCFS Service Providers as set out in this FSA;
- order that interest be paid on amounts ordered to be paid on the same basis as in the Federal Courts Act
- order Canada to pay the legal costs of any party to a Dispute on such terms as are just and in accordance with rates for counsel funded by Canada at the rates provided for by the Department of Justice's external agent counsel rates.
- **order Canada to increase funding to the Reformed FNCFS Funding Approach when systemic issues arise**

Governance and Dispute Resolution

Draft FSA Approach	Proposed Amendment to the Draft FSA
<p>Confidentiality of Dispute Resolution Process</p> <ul style="list-style-type: none">- On application of a party to any Dispute, the Dispute Resolution Tribunal may order that all or some of the Dispute Resolution Tribunal's procedures, hearings, and documents or interim orders and decisions shall remain strictly confidential between the parties to the Dispute.	<p>With the exception of requirements under the Privacy Act or the confidentiality provisions of provincial or federal child welfare legislation, only a First Nations litigant may request the confidentiality of procedures, hearings, documents or decisions when it is in the best interest of the child.</p>
<p>Appointment of the Dispute Resolution President</p> <ul style="list-style-type: none">- The President shall be appointed by the Governor in Council, on the recommendation of the Minister of ISC following consultation with the Parties. The President may be appointed for a second term.	<p>The President shall be appointed by the Governor in Council, on the recommendation of the Minister of ISC following a recommendation received from First Nations in Assembly, in collaboration and consultation with the EAC, the NAC, and the NCCC.</p>

Funding Level and Structures

Draft FSA Approach	Proposed Amendment to the Draft FSA
<p>The principles guiding the Reformed FNCFS Program – para 2.</p>	<p>Add intergenerational equity to the principles that guide the Reformed FNCFS Program</p>
<p>Definition of Child</p> <ul style="list-style-type: none">- “child” means a First Nations person who, under applicable provincial or territorial law, is under the age of which an individual ceases to be a child.	<p>“child” means a First Nations person who, under applicable provincial or territorial law, is under the age of which an individual ceases to be a child, and includes the following:</p> <ul style="list-style-type: none">- The child is registered or eligible to be registered under the Indian Act, as amended from time to time;- The child has one parent/guardian who is registered or eligible to be registered under the Indian Act;- The child is recognized by their Nation; or- The child is ordinarily resident on reserve.
<p>Definition of FNCFS Agency</p> <p>“FNCFS Agency” means an agency established by and affiliated with one or more First Nations and delegated or authorized pursuant to provincial or other authorities to provide legislated child welfare services.</p>	<p>“FNCFS Agency” means an agency established by and affiliated with one or more First Nations and delegated or authorized pursuant to provincial or other authorities to provide legislated child welfare services, and also includes any service provider that was recognized as an agency by ISC under the FNCFS program in fiscal 2023-2024.</p>

Funding Level and Structures

Draft FSA Approach

Prevention Allocation

As of April 1, 2026, outside of Ontario, ISC shall allocate all prevention funding to First Nations. FNCFS Agencies shall draw from their respective Baseline Funding to conduct least disruptive measures as required under provincial legislation. However, a First Nation may decide to have its affiliated FNCFS Agency receive a portion or all of the prevention funding attributable to the First Nation. A First Nation shall provide written notice to ISC advising of such a decision by the December 1st prior to the fiscal year to which the prevention funding is applicable. Once written notice is provided by the First Nation, the direction contained therein persists until further notice is given.

Proposed Amendment to the Draft FSA

- As of April 1, 2026, ISC shall allocate all prevention funding to FNCFS Agencies in keeping with the legislative requirements An Act respecting First Nations, Inuit and Métis children, youth and families. However, First Nations and FNCFS Agencies may decide that certain prevention programming shall be delivered by the First Nation. A First Nation and its affiliated FNCFS Agency shall provide notice to ISC advising of such a decision in the child and community well-being plan, including a budget for capacity funding. Once such notice is provided in the child and community well-being plan, **ISC shall allocate the required prevention capacity and/or service funding to the First Nation.**
- As of April 1, 2026, where a First Nation plans to ultimately deliver prevention programming but requires time to build capacity, the First Nation shall give notice to ISC in its multi-year plan indicating its suggested budget for capacity building and its estimated timeline. **ISC shall provide the First Nation with its requested capacity funding at actuals.**

Funding Level and Structures

Draft FSA Approach	Proposed Amendment to the Draft FSA
<p>The Parties acknowledge that a First Nation or regional or sub-regional organization may seek to discuss with Canada modifications to the Reformed FNCFS Program and the allocations thereunder, but Canada shall not be obligated to provide any additional funding to that First Nation or regional or sub-regional organization beyond what is provided by the Reformed FNCFS Funding Approach.</p>	<p>The Parties acknowledge that a First Nation or regional or sub-regional organization may seek to discuss with Canada modifications to the Reformed FNCFS Program and the allocations thereunder. In assessing a modification request by a First Nation, region or sub-region, Canada shall in good faith consider the Principles set out in section 2 of this FSA</p>
<p>FNCFS capital funding: Prior to September 1, 2024, the Parties shall develop an implementation plan for this capital funding that leverages existing and new community capital planning processes. ISC, with the advice of the Reform Implementation Committee, shall also develop guidance documents to support FNCFS Service Providers in seeking capital funding</p>	<p>FNCFS capital funding: Prior to September 1, 2025, the Parties, the Caring Society and the Commission, with direct input from the NCCC and the NAC, shall develop an implementation plan for this capital funding, including an approach that addresses urgent requests, requirements that Canada not engage in administrative delays and required timelines for Canada to determine capital funding requests.</p>

Funding Level and Structures

Draft FSA Approach

First Nation Representative Services

For First Nations except those in Ontario, total funding for First Nation Representative Services in fiscal year 2024-2025 shall be calculated by multiplying the amount of \$294.72 by the total population for all First Nations eligible to receive funding under the Reformed FNCFS Program, according to the approach for determining population as set out in paragraph 35, then adding to that product the amount necessary to provide each First Nation a minimum of \$75,000. This amount shall be adjusted for inflation in subsequent years. This funding shall be upwardly adjusted in the manner set out in paragraph 32 and Appendix 12 to account for the increased costs of delivery services in remote communities, subject to the transition provision for fiscal year 2024-2025.

April 1, 2025-March 31, 2026

- For First Nations except those in Ontario, First Nation Representative Services funding shall be funded in accordance with paragraph 25.

From April 1, 2026, Onward

- As of April 1, 2026, the transition to the Reformed FNCFS Funding Approach shall be complete.

Proposed Amendment to the Draft FSA

For the Initial Five Years, First Nations, except for First Nations in Ontario, shall have access to reimbursement for their actual costs for First Nation Representative Services equivalent to the actual costs available pursuant to 2018 CHRT 4, including but not limited to:

- salaries, benefits, and costs to support the delivery of services;
- human resources recruitment, training or professional development;
- paraprofessional and professional fees;
- general program delivery costs such as non-medical travel costs, accommodations, transportation or meals for First Nations Representatives to support the delivery of services;
- program delivery costs and family support services including prevention services and services for those involved with the child and family services system.
- Overhead, administrative costs (office rent, computer, information technology, utilities, insurance to help support FNRS services).

April 1, 2029-March 31, 2030:

- Funding for First Nation Representative Services following the Initial Five-Year terms shall be determined in accordance with the Initial Program Assessment Opinion.

Funding Level and Structures

Draft FSA Approach

Transition to the Reformed FNCFS Funding Approach: Operations and maintenance funding

- Commencing April 1, 2025, FNCFS Agencies' access to the reimbursement at their actual costs for intake and investigations, legal fees, building repairs, child service purchase, and small agency costs shall cease.
- Outside of Ontario, ISC shall reimburse claims for FNCFS Agencies' actual costs for intake and investigations, legal fees, building repairs, child service purchase, and small agency costs incurred in fiscal year 2024-2025, submitted on or before September 20, 2025.
- In Ontario, ISC shall reimburse claims of FNCFS Agencies' actual costs for intake and investigations, legal fees, and building repairs incurred in fiscal year 2024-2025, submitted on or before September 20, 2025.

Proposed Amendment to the Draft FSA

- Commencing April 1, 2030, FNCFS Agencies' access to the reimbursement at their actual costs for child in care (including but not limited to alternative care, customary care and/or kinship care), intake and investigations, legal fees, building repairs, child service purchase, and small agency costs may cease if recommended in the Initial Program Assessment and approved by First Nations in Assembly.
- Outside of Ontario, ISC shall reimburse claims for FNCFS Agencies' actual costs for intake and investigations, legal fees, building repairs, child service purchase, and small agency costs incurred in fiscal year 2027-2028, submitted on or before September 20, 2028.
- In Ontario, ISC shall reimburse claims of FNCFS Agencies' actual costs for child in alternative care maintenance intake and investigations, legal fees, and building repairs incurred in fiscal year 2027-2028, submitted on or before September 20, 2028.

Funding Level and Structures

Draft FSA Approach	Proposed Amendment to the Draft FSA
<p>Transition to the Reformed FNCFS Funding Approach: FNCFS capital funding</p> <ul style="list-style-type: none">- Commencing April 1, 2025, ISC shall no longer accept funding requests under the 2021 CHRT 41 process. ISC shall instead providing capital funding in the manner described in subparagraph 42(e)- For greater clarity, ISC shall continue to process capital funding requests that are received on or before March 31, 2025, and fund those requests that are approved, pursuant to 2021 CHRT 41. Requests received shall include requests that are paused or pending approval from ISC as of March 31, 2025.	<ul style="list-style-type: none">- Under the term of this Final Settlement Agreement, capital funding and requests shall continue at actuals pursuant to 2021 CHRT 41 and consistent with the principles of best interests of the child, culturally appropriate, substantive equality and taking into full account the distinct circumstances of the child’s First Nations community.
<p>Post-majority support services funding</p> <ul style="list-style-type: none">- Commencing on April 1, 2025, FNCFS Service Providers shall no longer have access to reimbursement of their actual costs for post-majority support services, ISC shall instead provide post-majority support services funding in the manner outlined in subparagraph 42(f).- As of April 1, 2026, the transition to the Reformed FNCFS Funding Approach shall be complete.	<p>Post-majority support services funding</p> <ul style="list-style-type: none">- Under the term of this Final Settlement Agreement, for the Initial Five-Year term post-majority support services shall continue at actuals pursuant to 2022 CHRT 8.

Funding Level and Structures

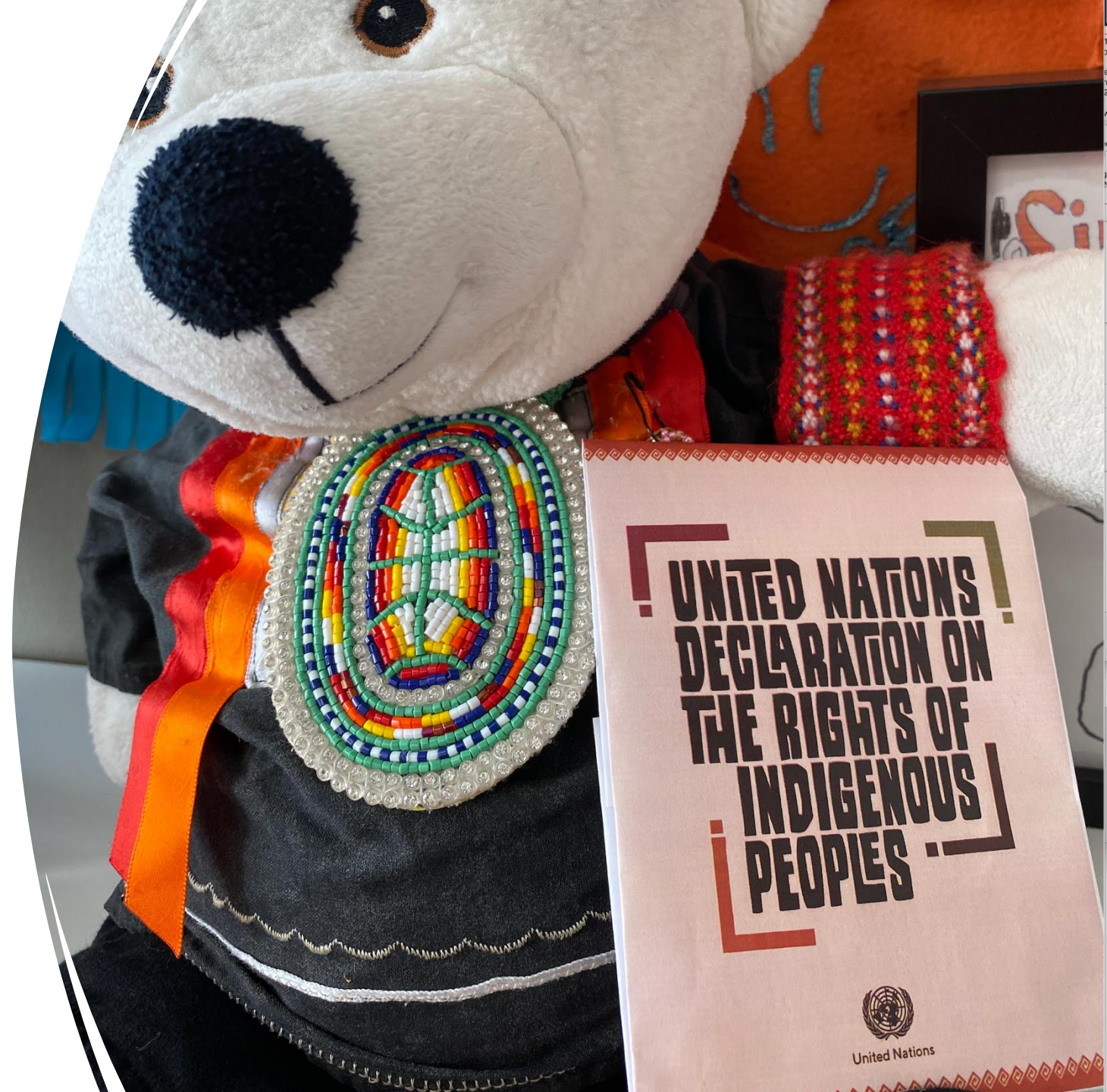
Draft FSA Approach	Proposed Amendment to the Draft FSA
<p>Post-majority support services funding</p> <p>ISC shall allocate all post-majority support funding to First Nations. Prior to September 1, 2024, the Parties shall co-develop the approach by which ISC shall allocate post-majority support services funding among First Nations. That approach shall align with the principles of needs-based funding and recognition of the distinct realities of First Nations.</p>	<p>Post-majority support funding following the Initial Five Year term shall be determined in accordance with the Initial Program Assessment Opinion but shall not be less than the highest amount received in any given fiscal year. That approach shall align with the principles of needs-based funding, be culturally appropriate and recognition of the distinct realities of First Nations.</p>
	<ul style="list-style-type: none">- Nothing in this agreement shall affect, cancel or supersede any Treaty between Canada and First Nations or any existing agreement between Canada and any other First Nation.- Canada recognizes that all relations with Indigenous peoples must be based on the recognition and implementation of their right of self-government.- The release does not settle, compromise, release or limit in any way whatsoever any claims by the releasors, in any action, claim or complaint regarding a declaration of Aboriginal or Treaty rights, a breach of Treaty rights, a breach of Treaty rights, a breach of fiduciary duty or the constitutionality of any provision of the Constitution Act, 1982

Tribunal's Jurisdiction and Tribunal's Orders

Draft FSA Approach	Proposed Amendment to the Draft FSA
<p>Superseding the Tribunal's Orders</p> <ul style="list-style-type: none">- Within 30 days following the signing of the Final Settlement Agreement, the Parties shall file a joint Notice of Motion with the Tribunal in which they shall seek an order from the Tribunal that the Final Settlement Agreement is approved and that the Tribunal's jurisdiction over the complaint and all associated proceedings has ended save for those relating to Jordan's Principle, and that the terms of the Final Settlement Agreement supersede and replace all order of the Tribunal related to the discrimination found by the Tribunal concerning the FNCFS Program and the 1965 Agreement.- For clarity, the terms of this FSA shall supersede, and render void all previous orders of the Tribunal concerning the 1965 Agreement and the FNCFS Program provided by Canada through ISC and any previous entities, unless an Order or part of an Order of the Tribunal is specifically identified as surviving and still in force following this Final Settlement Agreement.	<ul style="list-style-type: none">- Subject to the approval of the FSA by First Nations in Assembly and within 30 days following the signing of the FSA, the Parties shall file a joint Notice of Motion with the Tribunal in which they shall seek an order from the Tribunal that the FSA is approved and that the Tribunal shall retain jurisdiction over the complaint in relation to the FNCFS Program and the 1965 Agreement for a minimum of five (5) years from the date of approval of the FSA. The Parties shall only return to the Tribunal for assistance following the full adjudication of a Parties' Dispute.- Following the five (5) year supervision role of the Tribunal, the Parties to the complaint shall report to the Tribunal regarding the Initial Five-Year term and seek guidance and direction regarding the Tribunal's ongoing jurisdiction in relation to the FNCFS Program and the 1965 Agreement. For clarity, the Tribunal's reasons and findings made in all existing orders shall continue and this FFSA has no impact on any of the Tribunal's orders in relation to Jordan's Principle.

Watch for these upcoming Amendments

- First Nations regional variations (strengthening para. 45)
- Ensuring non-political national and regional secretariates
- Inclusion of Honour of the Crown
- Recommended mechanisms for First Nations with limited, or no affiliation with AFN
- Small population variation (study underway by the Caring Society)
- Accountability to youth and families (consultation with youth, including youth from care, underway)



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First Nations Child & Family
Caring Society of Canada

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