

Loving Justice Plan vs.
Canada's Plan for
Long-Term Reform
Information Toolkit



*Developed by the BC NCCC
Commissioners and the Our
Children Our Way Society
(OCOW) in May 2026.*

1. Introduction

Purpose, How to Use & Background



Purpose

First Nations leadership will vote on long-term reform plans at upcoming regional and national assemblies.

This toolkit provides key considerations to support informed decision-making about long-term reforms to end Canada's discrimination in First Nations Child & Family Services.

How to Use

This toolkit is organized into five sections – each including QR codes to access additional resources.

Feel free to explore the resources most important to you and your community at your own pace throughout the slide deck.



Background

What is
the
CHRT
case all
about?

- Permanently stop Canada's discrimination against First Nations children, youth and families in:
 - First Nations Child and Family Services
 - Jordan's Principle

Learn more on the '**I Am a Witness: Human Rights Case**' campaign page:
<https://fncaringociety.com/i-am-witness>



2. CHRT Timeline: Recent Milestones

Where we were, where we are, and
where we are going



Where we were

Chiefs-In-Assembly Set a New Path Forward for long-term reform (Oct 2024)

Previous Final Settlement Agreement (FSA) Rejected.

Resolutions 60/2024 & 61/2024 pass, setting expectations for LTR and establishing the National Children's Chiefs Commission (NCCC).



Regions Unite through the Creation of the NCCC (Dec 2024- Present)

11 regions appoint Commissioners, Alternates and Technical Advisors.

NCCC continues to meet bi-weekly with ongoing efforts and advocacy to fulfill mandate.



Tribunal Orders the Development of National Plans for LTR – 'Loving Justice' and Canada's Plan Result (Aug – Dec 2025)

The Caring Society and NCCC host regional engagements to develop 'Loving Justice'.

Canada, independently, develops their own plan.



The Caring Society submits 'Loving Justice' to the CHRT with the support of the AFN and NCCC on Dec 22, 2025. Canada also submits their plan.

Where we are (and where we are not)

The Loving Justice Plan and Canada's Plan remain **subject to** Tribunal **review and approval**. In the meantime:

- Canada has been campaigning and seeking to negotiate regional agreements.
- NCCC and the Caring Society have completed an amendments process for the Loving Justice Plan and focused on information sharing.

The **Ontario Final Agreement (OFA)** has been **approved** by the Tribunal, however:

- The process to permanently end Canada's discrimination in First Nations child and family services **outside of Ontario** remains subject to a **separate process**.
- Canada has filed a judicial review of the OFA decision.

Where we are going

CHRT to Determine Next Steps and Set Hearing Schedule

Parties will provide evidence supporting or opposing the plans.

Tribunal will determine which plan best satisfies their orders to end discrimination for multiple generations.

Jordan's Principle will be addressed separately.

Chiefs-in-Assembly to Provide Direction at AFN AGA July 2026

NCCC, Caring Society and AFN to share information and address any outstanding questions related to the Loving Justice Plan.

Chiefs-in-Assembly to provide direction on long-term reform via resolution.

Chiefs-in-Assembly to provide further direction on NCCC mandate moving forward.

3. The Loving Justice Plan and Canada's Plan Compared

What to Consider, What to Ask & Where to Learn More



National Plan: What was Required

Lasting effects,
adequately resourced,
sustainable for
generations

Incorporate regional &
local First Nations
perspectives

Evidence-based without
delay for additional
studies

Align with the spirit of
findings & rulings non-
rigidly

First Nations-centered,
respectful of needs &
perspectives

Culturally appropriate,
respect: substantive
equality, best interests of
the child, specific needs
of children & families

Comply with domestic &
international human
rights

General Overview

Key Considerations

Loving Justice: A First Nations-led plan informed by 100+ submissions from First Nations and subject matter experts submitted by the Caring Society and supported by the AFN and NCCC.

Canada's Plan: A Canada developed approach that presents a national framework based on the rejected draft Final Agreement.

Questions to Ask

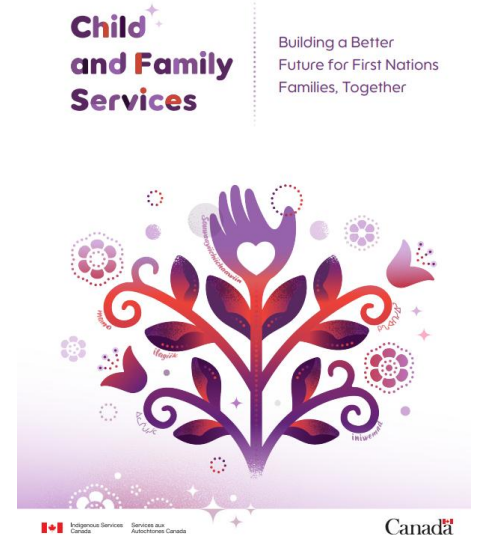
Does this approach actually end discrimination—or does it risk allowing it to continue in new forms?

How do the plans align with input from First Nations?

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

Filed pursuant to 2025 CHRT 80

December 22, 2025



Access the full Loving Justice Plan by scanning above or using the below link.

[The Loving Justice Plan](#)



Access Canada's Plan by scanning above or using the below link.

[Canada's Plan](#)

General Overview: Additional Resources

First Nations Child & Family Caring Society

**Leadership Brief:
Loving Justice National Plan vs. Canada's Plan for FNCFS
Long-Term Reform**

On August 20, 2025, the Canadian Human Rights Tribunal issued [2025 CHRT 80](#), ordering Canada, the First Nations Child and Family Caring Society, and the Assembly of First Nations (AFN) to submit plans and remedies for long-term national reforms to First Nations Child and Family Services (FNCFS), with the goal of

(5) Elders embedded at t structures

Canada's plan retains federal co plan contemplates regional agre are limited to program impleme levels or core policy authority.



Access the Leadership Brief [here](#) or by scanning the QR code .

High Level Comparison of the Two Plans

| Principle Area | Loving Justice National Plan | Canada's National Plan | Why This Matters for First Nations Leadership |
|-------------------------------------|--|--|--|
| Nature of Justice | Justice is human-rights based and relational ("loving justice"), focused on dignity, healing, and prevention of future harm. | Justice framed as policy reform and program improvement within existing systems. | Determines whether reform is transformational or administrative. |
| Understanding of CHRT Orders | CHRT orders are treated as a permanent injunction that must guide all future conduct. | CHRT compliance is treated as something that can be completed and closed. | Determines whether Canada can walk away later. |



Access the High - Level Comparison [here](#) or by scanning the QR code.

Loving Justice Plan & Canada's Plan

2025 CHRT 80

Webinar - January 30, 2026

Hosted By Our Children Our Way

NCCC
CNCE

53:55



Access the 2025 CHRT 80 webinar recording [here](#) or by scanning the QR code.

Governance, Accountability & Enforcement

Key Considerations

Loving Justice: Provides First Nations ongoing decision-making authority and builds in multiple layers to hold Canada accountable for ending discrimination.

Canada's Plan: Gives Canada unilateral decision-making with weak enforcement and accountability measures.

Questions to Ask

Are First Nations truly leading—or mainly implementing a government plan?

If things go wrong, who has the power to fix them—and how fast?

Will this approach protect children—not just today, but for generations to come?

Loving Justice Plan
& Canada's Plan

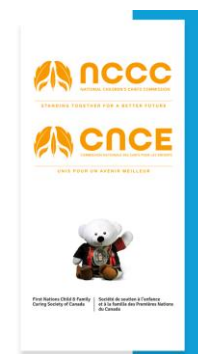
2025 CHRT 80



Governance, Accountability &
Enforcement

Kukpi7 Helen Henderson
Dr. Cindy Blackstock
Dr. Amber Johnson
Stephanie Wellman

 Hosted by the Our Children Our Way Society



[Governance,
Enforcement &
Accountability Webinar
Recording](#)



Service Level Agreements (SLAs)

Key Considerations

Why SLAs are important: Canada provides a service to First Nations children through federal/provincial agreements; and these agreements need to hold provinces accountable for delivering the services that First Nations children and families need.

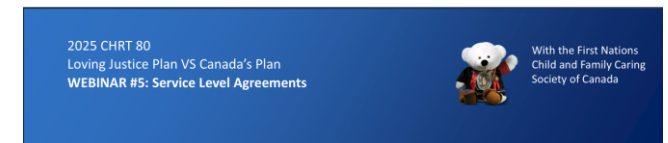
Loving Justice: Rights-based and First Nations-led. Keeps Canada accountable, tests decisions against children's outcomes, and preserves enforceability so discrimination cannot return.

Canada's Plan: Program based with Canada leading decision-making. Heavy reliance on regional agreements without clear, enforceable safeguards if children are harmed.

Questions to Ask

Does Canada's Plan offer a real commitment to address discrimination in SLAs?

How are First Nations included in the negotiations of SLAs?



[Accountability in Service Level Agreements Loving Justice and Canada's Plan Webinar Recording](#)



Funding

Key Considerations

Loving Justice: Includes actual costs as a safeguard and for elements where a baseline is not yet established.

Canada's Plan: Funding approach is formulaic (population based not needs based), fixed and does not allow for capacity building.

Questions to Ask

Does the funding structure permanently end discriminatory incentives and protect services regardless of political change?

Webinar #3: Funding Models Compared

Comparing The First Nations' Loving Justice Plan and Canada's Plan

March 13, 2026



First Nations Child & Family Caring Society of Canada

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



Visit the link below or scan the QR code to view the webinar recording →

[Funding Models Compared - Loving Justice and Canada's Plan Webinar Recording](#)

First Nations Child & Family Caring Society

Comparative Funding Analysis: Loving Justice Plan and Canada's Plan

March 2026



Information Sheet

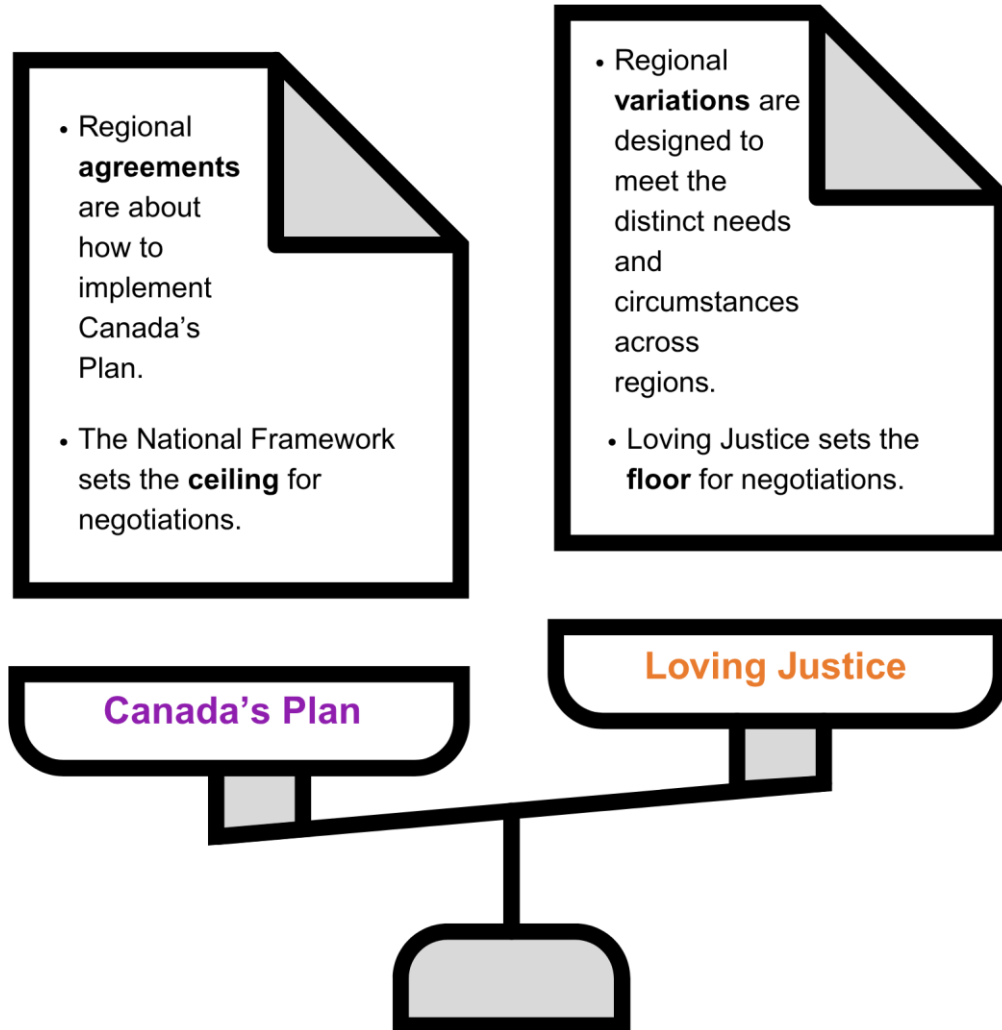
Visit the link below or scan the QR code to access the comparative analysis →

[Comparative Funding Analysis: Loving Justice Plan](#)



Regional Variations & Regional Agreements

Key Considerations



nccc
NATIONAL CHILDREN'S CHIEFS COMMISSION

CNCE
COMMISSION NATIONALE DES CHEFS POUR LES ENFANTS

STANDING TOGETHER FOR A BETTER FUTURE

Hosted by the Our Children Our Way Society

2025 CHRT 80
Loving Justice Plan VS Canada's Plan
WEBINAR #3: Addressing Regional Realities

With the First Nations Child and Family Caring Society of Canada

[Addressing Regional Realities Webinar Recording](#)



Questions to Ask

What is in scope for regional negotiations? What is not included?

What types of decisions can Rights Holders make to reflect regional realities under each plan ?

How much discretion does Canada maintain?

4. Ensuring Free, Prior and Informed Consent (FPIC)

Cautions & Further Considerations



Negotiating with Canada

Canada is seeking to negotiate regional agreements under the framework of their National Plan and through the 'Building a Better Future for First Nations Families, Together' campaign.

While it is not the only pathway to addressing unique needs (see slide 17), if your nation or region does decide to enter discussions or negotiations with Canada, here are some recommended steps to consider.

First Nations Leadership Decision-Making Guide

COMPARING LOVING JUSTICE AND CANADA'S PLAN

April 7, 2026

This guide is designed to help First Nations leadership assess which approach best:

- Ends discrimination,
- Protects children across generations,
- Ensures real enforcement, and
- Respects First Nations decision-making and rights.

For each element, the guide highlights **what leadership should look for, what Loving Justice provides, and what risks remain under Canada's Plan.**

Visit the link below or scan the QR code to access the Decision-Making Guide

[Leadership Decision-Making Guide](#)



Recommended Steps

A Nation-Led/Community-Informed Analysis of Both Plans to understand key elements, strengths, and shortfalls of each plan and assess how they align with your communities' priorities, needs, and ways of caring for and nurturing children.

Consult with legal and technical CFS experts to better understand current issues in the existing FNCFS program, highlight gaps, and flag areas of concern.

Request commitments from Canada be formalized in writing if they are beyond what is promised in their plan.

Review **the minimum standards** (slide 22) that will be called for via resolution at the AFN AGA in July and assess how these may be able to serve as the foundation to your negotiations.

Cautions: Common Statements & Contradictions by Canada

If Canada is making any promises beyond what is in their plan, confirm and formalize these in writing.



‘You can include off-reserve’ *however...*

- Canada has consistently taken the position in proceedings before the Canadian Human Rights Tribunal that this issue is not open to negotiation; and
- Funding formulas in Canada’s Plan are fixed, with off reserve needs not accounted for.

‘Canada’s Plan emphasizes prevention and needs-based funding’ *however...*

- Funding in Canada’s Plan is largely formula-driven and capped, with limited discretionary adjustments; and
- Prevention funding is calculated using registered First Nations population living on-reserve or in Yukon, based on the Indian Registration System

‘Canada’s Plan enables First Nation sovereignty’ *however...*

- Canada’s Plan maintains final decision-making authority at the federal level and does not establish true shared or nation-to-nation governance.

‘Canada is open to negotiating nation-based agreements’ *however...*

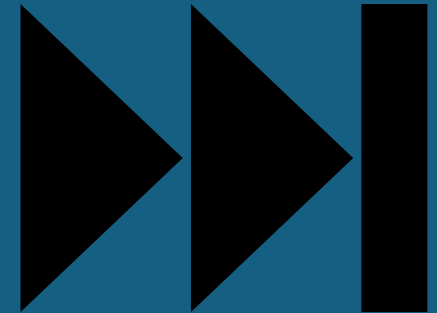
- Canada’s current plan refers only to regional agreements; and
- Canada is actively litigating against a Tribunal order requiring it to negotiate nation-based agreements with two First Nations in Ontario.

‘Funding is negotiable within regional agreements’ *however...*

- Canada’s Plan states that “*funding elements and the total funding committed for each would not be the subject of regional agreement negotiations and would be implemented nationally on April 1, 2027.*”

5. Preparation & Next Steps

Upcoming Votes, Helpful Resources
and Actions to Consider



Getting Ready to Vote

AFN AGA July 14-16, 2026, in Ottawa

Ensure your Nation has a Chief or Proxy registered to attend.

Stay tuned for details on the NCCC dialogue and plenary sessions, and plan to participate.

Be ready to vote on LTR related resolutions; these will include one on minimum standards and another on communications.

Visit the link below or scan the QR code to visit the AFN AGA event page →

[2026 Annual General Assembly](#)



Minimum Standards for Ending Canada's Discrimination in FNCFS Outside of Ontario

First Nations-led decision-making

Human Rights Principles

Needs-based Funding

Durability against ongoing or new discrimination

Independent enforcement and continued oversight

Access to Justice and Protection from Retaliation

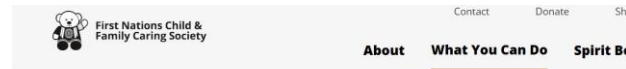
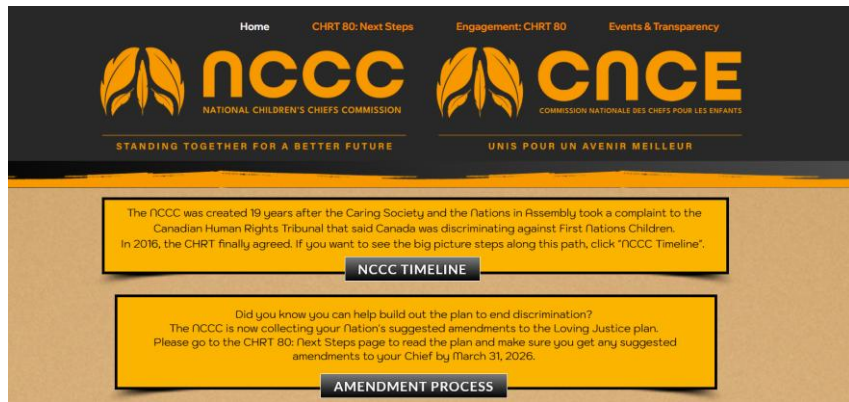
Capacity as a Crown Obligation

Clarity, Accuracy, and Respect for Chiefs-in-Assembly Authority in Communications on LTR

Call on Canada to ensure that all communications regarding FNCFS LTR are comprehensive, accurate and uphold Canada's FPIC responsibilities.

Direct the AFN and NCCC and call on the Caring Society to develop an FNCFS and Jordan's Principle Communications Strategy.

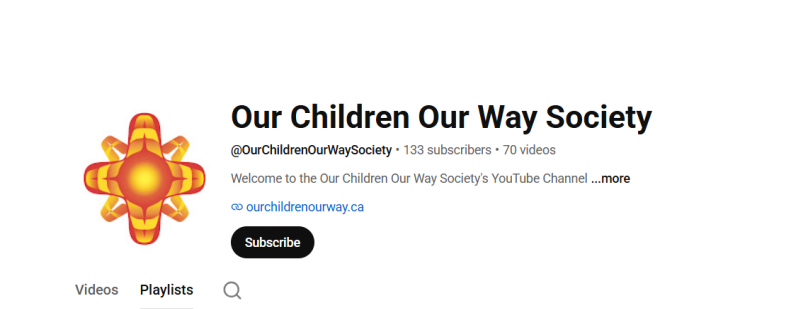
Resources Recap



Home / What You Can Do / Ways to Make a Difference / I am a Witness: Human rights case

I Am a Witness: Human Rights Case

The I Am a Witness campaign invites people to learn about the case on First Nations child welfare and Jordan's Principle and to decide for themselves whether or not they think there is discrimination against First Nations children and youth.



NCCC Website:

- Information on the Commissioners
- NCCC/CHRT Timeline
- CHRT 80 Background
- NCCC Communications

<https://www.nationalchildrenschiefscommission.org/>



Caring Society/I am Witness Website:

- CHRT written submissions by the parties
- CHRT Letter Decisions
- Information sheets

<https://fncaringsociety.com/i-am-witness>



OCOW YouTube Channel:

- Past NCCC webinar recordings

https://www.youtube.com/channel/UCyXKHK_4CgqP3v30DUJXXhA

Summing Up

Protect FPIC:

Know the strengths, weaknesses and limitations of both National plans before deciding on a path forward.

Confirm any promises by Canada in writing if they are beyond what is included in their plan.

Contribute to Further Shaping a United Path Forward:

Prepare for and participate in upcoming voting related to LTR at regional and national assemblies.

Pathways for Voicing Concerns & Raising Questions

If you have questions, concerns or feedback on the Loving Justice Plan, you can:

- Connect with your regional commissioner or NCCC technicians.
- Reach out to NCCC@ourchildrenourway.ca

If you have questions or concerns about Canada's Plan or their conduct, you can:

- Write a letter to Canada and cc the Caring Society (which provides permission for the letter to be filed as evidence with the CHRT).

Closing: An Invitation to Reflect on the Teachings of Hon. Murray Sinclair.

“We must accept the challenge of standing up and walking on our own two feet. And we must walk to the beat of our own drum.

We must demand that our leaders show the leadership necessary to strengthen our communities.

We must demand that our leaders show the leadership necessary to strengthen our families.

We must demand that our leaders show the leadership necessary to strengthen our children.

We need leaders to fight that ongoing battle with the enemies on the outside of our walls, and we need leaders who will fight the enemies who are inside the walls. Our traditions have taught us that.

Our children do not set out in life to fail. They want to be someone. We have to be the someones they want to be.”