



Dear Chiefs,

On behalf of the National Children's Chiefs Commission ("NCCC") and the Our Children Our Way Society ("OCOW"), we are writing to provide an update on the ongoing work to end Canada's discrimination in First Nations Child and Family Services ("FNCFS").

Last summer the Canadian Human Rights Tribunal ordered the Parties to submit their final plans for long-term reform by December 22, 2025. Last fall, OCOW worked alongside the NCCC and the Caring Society to engage with First Nations across British Columbia regarding what should be included in those plans.

The NCCC and the Caring Society subsequently developed the Loving Justice plan to reflect the priorities and direction provided by First Nations in BC and across Canada. Canada submitted a separate plan, which largely mirrors the draft Final Agreement that Chiefs rejected in 2024.

Here are some of the key differences between the Loving Justice plan and Canada's plan:

- **Governance.** The Loving Justice plan establishes First Nations-led governance structures, while Canada's plan maintains unilateral federal decision-making and leaves First Nations in an advisory role.
- **Funding.** The Loving Justice plan begins with an evidence-based block funding approach and includes capacity-building investments, along with funding at actuals as a safeguard against shortfalls and for areas where reliable baselines do not yet exist, including post-majority supports and capital needs. Canada's plan imposes the formula-based funding approach contained in the rejected draft Final Agreement.
- **Accountability.** The Loving Justice plan includes multiple mechanisms to hold Canada accountable for permanently ending its discrimination against First Nations children and families. Canada's plan, by contrast, shifts accountability onto First Nations agencies.
- **Enforcement.** The Loving Justice plan calls for the CHRT to oversee the implementation of long-term reform until an equally effective alternative dispute resolution process is established. Canada's plan calls for an immediate end to the Tribunal's role.
- **Regional Variations.** The Loving Justice plan requires Canada to negotiate regional variations that reflect the distinct needs, priorities, and circumstances of First Nations in each region, with the Loving Justice standards serving as the minimum floor for

negotiations. Canada, meanwhile, is seeking to negotiate regional agreements using its national framework as the ceiling for negotiations.

At upcoming assemblies, including the UBCIC Chiefs Council in early June and the AFN Annual General Assembly in early July, Chiefs will be asked to vote on resolutions concerning the Loving Justice plan and Canada's plan.

These two plans are currently before the Canadian Human Rights Tribunal: the Tribunal will ultimately determine which approach best responds to the orders to end discrimination in FNCFS. Voting in favour of either the Loving Justice plan or Canada's plan does not mean that plan will automatically be implemented. However, the Tribunal has consistently demonstrated respect for First Nations decision-making and will take the positions expressed by Chiefs into account when rendering its final decision.

Canada's current approach involves persuading First Nations to adopt the Canada Plan and agree to negotiate regional agreements on Canada's terms. The offer to enter into such negotiations has been framed as a time-limited opportunity for First Nations; however, it more accurately reflects a narrow window for Canada to secure agreements on its preferred terms. Should the Tribunal rule in favour of the Loving Justice plan, Canada would instead be required to negotiate regional variations under conditions that are significantly more favourable to First Nations.

In our view, the Loving Justice plan provides a far stronger path toward permanently ending discrimination and supporting First Nations jurisdiction, children, and families. Ultimately, however, you will determine what is best for your children, families, and Nation. To support your review and decision-making, we are forwarding an information package comparing the Loving Justice and Canada plans. Should you have any questions or wish to discuss these matters further, please do not hesitate to contact us.

Sincerely,



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Co-Chair and BC Rep., NCCC



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BC Representative, NCCC



Mary Teegee - Maaxswxw Gibuu
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