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NATIONAL CHILDREN'S CHIEFS COMMISSION

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



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COMMISSION NATIONALE DES
CHEFS POUR LES ENFANTS



With the First Nations
Child and Family Caring
Society of Canada

What are the parameters and goals of Regional negotiations?

Loving Justice Plan

- Canada must negotiate regional variations within 6 months **after CHRT approval** that meet or exceed the Loving Justice plan and address any regional needs and circumstances (p.90)
- **Canada must report, on a monthly basis, to the National Oversight Council** on the progress of regional negotiations over the first six months of the Tribunal's FNCFS long-term reform order to ensure that negotiations are conducted in good faith
- **If Canada does not submit an agreement with a region within 6 months** that region may submit a plan detailing the regional variations required (p.91)
- There is no specified end date for the Regional Variations because there is no end date to distinct regional situations.

Canada's Plan

- Regions must complete negotiations with Canada by September 30 2026 **before the CHRT rules on minimum standards.**
- Limited to Regional implementation of the National Framework (Canada Plan p.4)
- Starting now, if Nations want.
- Negotiations will be complete by September 30th 2026.
- All agreements will have the same end date.

Plan Overview: Regional Perspectives

What aspects of CFS would be up for discussion under each plan at the Regional level?

What types of decisions can Rights Holders make?

What types of discretion does Canada have?

How will the regions be able to hold Canada accountable for the discrimination they are funding through the provinces?

Will the Nations be able to hold Canada accountable for ending discrimination, now and in the future?

What aspects of CFS would be up for discussion under each plan at the regional level?

Loving Justice Plan

- How the regions want to see the Regional Secretariat and Technical tables are set up.
- How distinct needs & circumstances will be accommodated
- How unique regional challenges will be met (e.g., impacts of provincial legislation)
- How data is collected in each region (including by the provinces) and how it can be collected and shared keeping with the principles of OCAP
- **NOT included: Funding of regional secretariats (funded at actuals).**

Canada's Plan

- How the Nations and agencies want to oversee the implementation of the National Framework and how they propose to monitor it beyond what Canada wants.
- How funding is allocated among Nations and agencies
- Funding and activity planning requirements
- How Nations can hold agencies accountable
- When, in the next 7 years, the two reviews of the reformed program will be held in that region
- **NOT included: Funding amount or structure**

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

Loving Justice Plan



GOVERNANCE:

The structure, role and makeup of regional technical tables and secretariats.



FUNDING:

Will generally follow the recommendations of the IFSD reports, except in areas where there is not enough information to establish a baseline. The regions will build that knowledge.

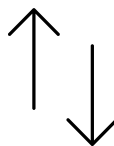


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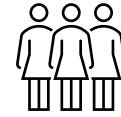
Will be aligned with the Measuring to Thrive framework and respect OCAP principles

ACCOUNTABILITY:

identify the impact of any proposed legislation, policy, regulation, etc. and insist Canada meet the Principles of Loving Justice.



Canada's Plan



GOVERNANCE:

Who sits at the table for the region and decides what to recommend to Canada (Canada Plan p.4, DFN affidavit p.11 & 26)

Potential for deciding regional principles (p.9)



FUNDING:

How the region's share of some of the national funding buckets should be split between agencies and Nations (Canada Plan p.8, 11, 17)

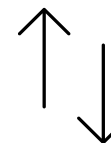


DATA:

What extra information should be reported to the regional secretariat by Nations and Agencies on top of what Canada requires?

ACCOUNTABILITY:

How to make agencies accountable. What kind of planning is required for surplus funds? (Canada Plan p.4) What kind of engagement with the Nations is required? (p. 16)



What types of discretion does Canada still have?

Loving Justice Plan

- The ability to draft policies and legislation related to Children and Family Services for the Rights Holders to review.
- The ability to extend the supports of the FNCFS program to those living off-reserve

Canada's Plan



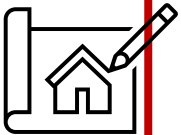
Which program elements to fund, and at what dollar amount (p.7)

Whether or not to accept recommendations from the regions for future changes to CFS



Who to appoint to oversee the dispute resolution process and what the associated legislation outlining this process will look like.

Who "needs" capital and how badly (p.13)



What the performance measurement framework looks like, and who assesses if the outcomes have been successful if no regional agreement is made (p.15)

Canada's Agreements with Provinces & the Yukon

Loving Justice Plan



Canada ***must*** ensure their funding agreements with the provincial and Yukon governments are in line with the principles of the Loving Justice plan.



Canada ***must*** include impacted Nations in these funding agreement discussions and provide meaningful support for Nations participation in consultations. Regional Secretariats would manage this funding. (p.92)



Canada ***must*** ensure that all Provincial or Territorial Agreements include data collect and sharing by the government with First Nations service providers and the Secretariats on First Nations children, youth, and families calibrated to the Measuring to Thrive framework to ensure that funding is needs-based. In line with OCAP.

Canada's Plan

Canada will make “best efforts” to ensure the agreements meet the principles in the new National Framework and potential regional principles and in provincial or territorial law



Non-delegated Nations ***could*** discuss the re-negotiation of these agreements, and Canada ***could*** report to regional governance bodies (p.18)

Holding Canada Accountable

Loving Justice Plan

- Regional technical and secretarial tables would support the collection and analysis of the impacts of the reformed FNCFS program using the Measuring to Thrive framework to monitor the success of the reformed FN CFS program
- Within 15 days, Canada would have to say whether it would implement the changes or not.
- If not, they would have to prove that their policies DID meet the Principles as they were drafted.
- The CHRT would retain jurisdiction as a last resort.

Canada's Plan

- Regional governance bodies would review how the reformed CFS program is working in their regions and be able to offer suggestions to Canada.
- Canada is not required to adopt the suggestions. If it does not, it must explain why. No enforcement exists.
- The CHRT orders that have held Canada accountable would no longer exist.
- The Nations could no longer bring concerns about discrimination in FNCFS to the CHRT