



Overview of Long-Term Reform, Bill C-92 and Compensation for the First Nations Child and Family Services (FNCFS) Program and Jordan's Principle ¹



LONG-TERM REFORM OF THE FNCFS PROGRAM AND JORDAN'S PRINCIPLE

Long-term reform of the FNCFS Program includes:

- Shifting to a flexible funding approach that responds to First Nations wellbeing priorities, and supported by a First Nations developed data framework
- Closing critical funding gaps
- Funding prevention activities to support child and family wellbeing
- Supporting First Nations throughout the reform process, including technical and operational guidance through a new national First Nations secretariat
- Reform within Indigenous Services Canada to address bias and discriminatory practices and policies

Learn more <https://www.ifsd.ca/en/phase-2>

Long-term reform of Jordan's Principle includes:

- Implementing Jordan's Principle in accordance with Canadian Human Rights Tribunal (CHRT) orders
- Addressing operational concerns and ceasing practices that lead to delays and gaps
- Supporting service coordination, community-based funding and supports
- Ensuring transition supports for First Nations youth reaching the age of majority

IMMEDIATE MEASURES FOR FNCFS PROGRAM

As of April 1, 2022, the Government of Canada will provide:

- Prevention funding based on a formula that multiplies \$2,500 by the First Nations population on-reserve and in the Yukon;
- First Nations Representative Services based on a formula that multiplies \$283 by the First Nations population on-reserve and in the Yukon (or \$332.9 million over five years for First Nations in Ontario - funded to First Nations);
- The actual costs of post-majority supports to First Nations youth and young adults leaving care and formerly in care, up to the age of 26; and
- The National Assembly of Remote Communities (NARC) over a five-year period.

CONNECTIONS BETWEEN LONG-TERM FNCFS REFORM AND BILL C-92, *AN ACT RESPECTING FIRST NATIONS, INUIT AND MÉTIS CHILDREN, YOUTH AND FAMILIES* (THE ACT)

The Act came into force on January 1, 2020, and affirms First Nations' inherent rights to self-determination and self-governance of child and family services. Under the Act, First Nations can enact child and family services laws and assert their jurisdiction over child and family wellbeing for their citizens.

The elements of long-term reform and funding of the FNCFS Program will make up the minimum standard for First Nations operating under the Act. This means that First Nations enacting their own laws and services under the Act will not receive less than what is provided for in the final settlement agreement.

TIMELINE FOR LONG-TERM REFORM

April 1, 2022:

Immediate measures come into effect



Spring/Summer 2022:

AFN-supported national engagement sessions, accompanied by youth and regional engagements



March 31, 2023:

Reformed approach to FNCFS and Jordan's Principle comes into effect



February 28, 2025:

Institute of Fiscal Studies and Democracy Phase 3 results expected

COMPENSATION

In September 2019, the CHRT ordered the Government of Canada to pay \$40,000 in compensation to eligible First Nations children and family members harmed by discrimination in the FNCFS Program and Jordan's Principle. Two related class action lawsuits were filed to cover additional children who are not covered in the CHRT's ruling, namely those who were affected by discrimination before 2006/2007.

The Agreement-in-Principle (AIP) on compensation, signed on December 31, 2021, sets out the framework for negotiations towards a final settlement agreement, which aims to settle the outstanding matters before the CHRT and the two related class actions. For more information, visit www.fnchildcompensation.ca.

TIMELINE FOR COMPENSATION

Summer 2022:

Parties aim to reach a final settlement agreement



After final settlement is reached:

Parties will seek a CHRT order regarding the satisfaction of 2019 CHRT 39; Parties will seek a Federal Court Decision for the approval of Class Actions



2023:

Payment to eligible claimants (subject to Federal Court decision)

¹ **Background:** On December 31, 2021, the Assembly of First Nations (AFN) signed two historic AIPs regarding compensation and long-term reform of the FNCFS Program and Jordan's Principle. The AIPs provide a framework to settle the matters of compensation and long-term reform as ordered by the CHRT and two related class action lawsuits.