



*First Nations Child and  
Family Services (FNCFS)  
Reform*

**MKO Chiefs Assembly  
March 30/22**



Indigenous Services  
Canada

Services aux  
Autochtones Canada

Canada

# Summary

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# An Act respecting First Nations, Inuit and Métis children, youth and families

On June 21, 2019, *An Act respecting First Nations, Inuit and Métis children, youth and families* became an official law, and on January 1, 2020, its provisions came into force.

Co-developed with Indigenous, provincial and territorial partners, the Act:

- affirms the rights of First Nations, Inuit and Métis peoples to exercise jurisdiction over child and family services
- establishes national principles such as the **best interests of the child, cultural continuity** and **substantive equality**
- contributes to the implementation of the [United Nations Declaration on the Rights of Indigenous Peoples](#)
- provides an opportunity for Indigenous peoples to choose their own solutions for their children and families



# The Act

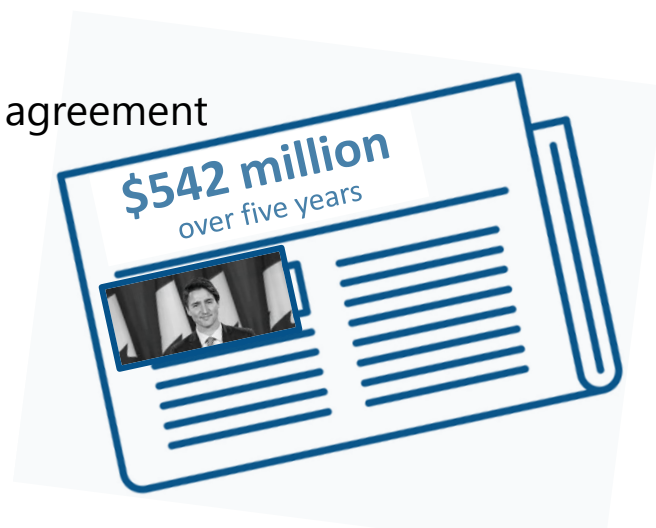
## **As of January 1, 2020:**

- Indigenous governing bodies (IGB's) who have developed their own legislation will [have 2 options to exercise jurisdiction](#) under the Act.
- Every service provider delivering child and family services to Indigenous children and families will need to follow the minimum standards found in the Act.
- Existing agencies will continue to provide services to Indigenous children until such time that jurisdiction has been exercised in relation to those Indigenous children by an Indigenous governing body (IGB).
- Indigenous governing bodies (IGB's) that choose to exercise their jurisdiction could continue working with delegated agencies, or could create their own delivery service models.

# Prime Minister's Funding Announcement

On November 27, 2020, [Prime Minister Trudeau announced](#) over **\$542 million** in funding nationally over five years to support implementation of *An Act respecting First Nations, Inuit and Métis children, youth and families*, committed as part of the July 2020 Economic and Fiscal Snapshot. It includes:

- **\$425 million** over five years for capacity building funding to support the development of legislation, community consultation, engaging with experts, it is not intended for program or service delivery;
- Nearly **\$73 million** over five years for coordination agreement discussions;
- Nearly **\$10 million** over two years for governance engagement mechanisms (GEMs) and;
- Over **\$35 million** for internal services.



# National Landscape

- As of March 3, 2022, ISC has received 67 notices of intent and requests from Indigenous governing bodies under Section 20 of the Act.
- This represents over 139 Indigenous communities across Canada.
- We expect additional tables to commence in the upcoming months.
- A list of Indigenous governing bodies that have sent notice to Canada and the relevant provincial or territorial governments is publicly available on the ISC website.



# Manitoba Regional Updates

- 6 First Nations in Manitoba have provided Notices of intention to exercise legislative authority under section 20(1).
- 5 Indigenous Governing Bodies have submitted requests under section 20(2), and coordination agreement discussion tables have been established.
- Manitoba Region is working with a number of First Nations and groups to support their jurisdictional work.
- Section 20 notices are posted on the following link: <https://www.sac-isc.gc.ca/eng/1608565826510/1608565862367>
- There are 11 IGB's that have provided notice under Section 12 of the Act in Manitoba
- 18 Capacity Funding Proposals approved in the 2021-2022 fiscal year

# Agreements in Principle (AIP)

- On December 31, 2021, two (2) Agreements-in-Principle were reached on a global resolution related to compensation for those harmed by discriminatory underfunding of First Nations child and family services and to achieve long-term reform of the First Nations Child and Family Services program and Jordan's Principle, to ensure that no child faces discrimination again.
- This is a result of discussions between Canada, the Assembly of First Nations, the First Nations Child and Family Caring Society, the Chiefs of Ontario, the Nishnawbe Aski Nation, and counsel for the Moushoom and Trout class actions.
- An AIP is a pre-agreement that lays out the process for reaching a final agreement.



# Agreement in Principle - Compensation

- \$20 billion in compensation for First Nations children on-reserve and in the Yukon, who were removed from their homes between April 1, 1991 and March 31, 2022, and for their parents and caregivers.
- This also includes compensation for those impacted by the government's narrow definition of Jordan's Principle between December 12, 2007 and November 2, 2017, as well as for children who did not receive or were delayed receiving an essential public service or product between April 1, 1991 and December 11, 2007.
- By March 31, 2022, the parties to the AIP will draft a Final Settlement Agreement that will outline the details of the proposed settlement.
- The AFN has established an information desk to assist individuals who may have questions on the compensation. For more information please contact [fnchildcompensation@afn.ca](mailto:fnchildcompensation@afn.ca).

# Agreement in Principle – Long term reform

- Approximately \$20 billion, over five years, for long term reform of the FNCFS program to ensure the discrimination found by the CHRT never repeats itself.
- Funding to support young First Nations adults aging out of the child welfare system and prevention services to build on the multi-generational cultural strengths to help children and families in staying together that will be implemented as early as April 2022.
- The parties will seek to reach a full compensation package in a final settlement agreement by fall of 2022.
- First steps for Immediate Reform Measures to begin April 1 2022, with long term reform implementation starting in 2023-2024. The fiscal period 2022-2023 is a transition year.

# Immediate Reform Measures

On **April 1, 2022**, Canada will begin funding:

- Prevention a per capita amount of \$2,500 based on a First Nation's on-reserve and on crown land population (to be allocated between agencies and First Nations)
  - Note: This new prevention funding approach will replace prevention funding based on actuals and funding provided under the Community Well-Being Jurisdiction initiative.
- First Nations Representative Services a per capita amount of \$283 based on a First Nation's on-reserve and on crown land population
- Post-majority care on actual costs for young adults aging out of care and formerly in care, until they turn 26 years of age

# Immediate Reform Measures continued

Additionally, on **April 1, 2022**, Canada will begin implementing the amended capital order – 2021 CHRT 41

November 16, 2021 - the CHRT orders Canada to fund First Nations, FNCFS agencies and Jordan's Principle service providers for the purchase and construction of capital assets to assist in delivery of:

- child and family services
- First Nations Representative Services
- Jordan's Principle services, and to support capital needs assessments and feasibility studies.

# Immediate Reform Measures continued

- By virtue of 2021 CHRT 41, First Nations, First Nations child and family services agencies and First Nations-authorized Jordan's Principle service providers can access funding for the purchase and construction of capital assets needed to:
  - support the delivery of child and family services to First Nations children on-reserve and in Yukon
  - provide safe, accessible, confidential and culturally- and age-appropriate spaces needed to support the delivery of Jordan's Principle services on-reserve, which can include space to administer those services
  - provide First Nation Representative Services
- Application and eligibility criteria are posted on ISC's website, this information has been shared with agency directors and FN leadership. Completed applications are to be sent to [chrt41-tcdp41@sac-isc.gc.ca](mailto:chrt41-tcdp41@sac-isc.gc.ca)

Note: FNCFS agencies may continue to seek reimbursement for building repairs through a claim on actuals per 2018 CHRT 4.

# Community Well-Being and Jurisdiction Initiative (CWJI)

- Announced through Budget 2018 the Community Well-Being and Jurisdiction Initiative (CWJI) funding focuses on prevention activities to assist families at risk to remain together in their communities whenever possible, and/or support First Nation communities to exercise their jurisdiction for child and family services.
- 2022-2023 is the final year of the CWJI funding and it will also be considered a “transition year” to the new prevention funding approach being implemented April 1, 2022 as one of the immediate reform measures.

## **Manitoba Region Update**

- The development and the delivery of prevention services are evidence-informed, culturally appropriate, address identified risk factors and build protective factors within the families and communities.
- Funding for CWJI was accessed through a proposal driven process and all 63 First Nation communities submitted multi-year proposals.

# CWJI Funding Guidelines and Themes

2022/2023 funding allocations to 63 First Nations is **\$21,827,583**

Themes	# Communities	Percentage (%)
#1 Child, Family and community well-being	63	100
#2 Prevention and healing activities	63	100
#3 Integrated and wrap around services to support families	55	88
#4 Repatriation and reunification of children and youth in care or supports for aging out youth	34	55
#5 Jurisdictional models for child and family services to support child and family well-being	24	39
#6 Other (as determined in consultation with regional tripartite tables and/or communities)	1	2

# Resources for Information

- **About the Act:** [Reducing the number of Indigenous children in care \(sac-isc.gc.ca\)](https://sac-isc.gc.ca) available to respond to any questions from partners on the Act ([sac.sefreforme-cfsreform.isc@canada.ca](mailto:sac.sefreforme-cfsreform.isc@canada.ca))
- **Section 20 Notices:** <https://www.sacisc.gc.ca/eng/1608565826510/1608565862367>
- **CHRT 41 - Capital:** [chrt41-tcdp41@sac-isc.gc.ca](mailto:chrt41-tcdp41@sac-isc.gc.ca)
- **Call for Proposals:** [Capacity-building funding for An Act respecting First Nations, Inuit and Métis children, youth and families for fiscal year 2021 to 2022 \(sac-isc.gc.ca\)](https://sac-isc.gc.ca)
- **Agreement in Principle – Compensation:** [fnchildcompensation@afn.ca](mailto:fnchildcompensation@afn.ca).



# Regional Contacts

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