

UPDATE ON FEDERAL FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM REFORM AND FUNDING IN ONTARIO



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This is an update for Ontario leadership and technicians on the long-term reform of the federal on-reserve child welfare program (the First Nations Child and Family Services (FNCFS) Program), the funding currently available to First Nations for child and family services, and the recent class action compensation settlement.



Since the victory at the Canadian Human Rights Tribunal (CHRT), there have been big changes in child welfare and there are more on the way. **There are three main areas to know about:**

(1) COMPENSATION FOR VICTIMS OF DISCRIMINATION

- In 2019, the CHRT awarded compensation to children and families affected by the underfunding of the child welfare system and Jordan's Principle. There were also several class actions about the same subject matter.
- A final settlement has been approved by the CHRT and the Federal Court. Neither COO nor NAN are parties to the agreement.
- The compensation under the final settlement agreement total roughly \$23.3 billion. There are further steps to take to finalize the distribution plan. The application process is expected to start in 2025. Eligibility requirements and compensation amounts will depend on the harm suffered.
- Please see <https://www.fnchildcompensation.ca/> for more information.

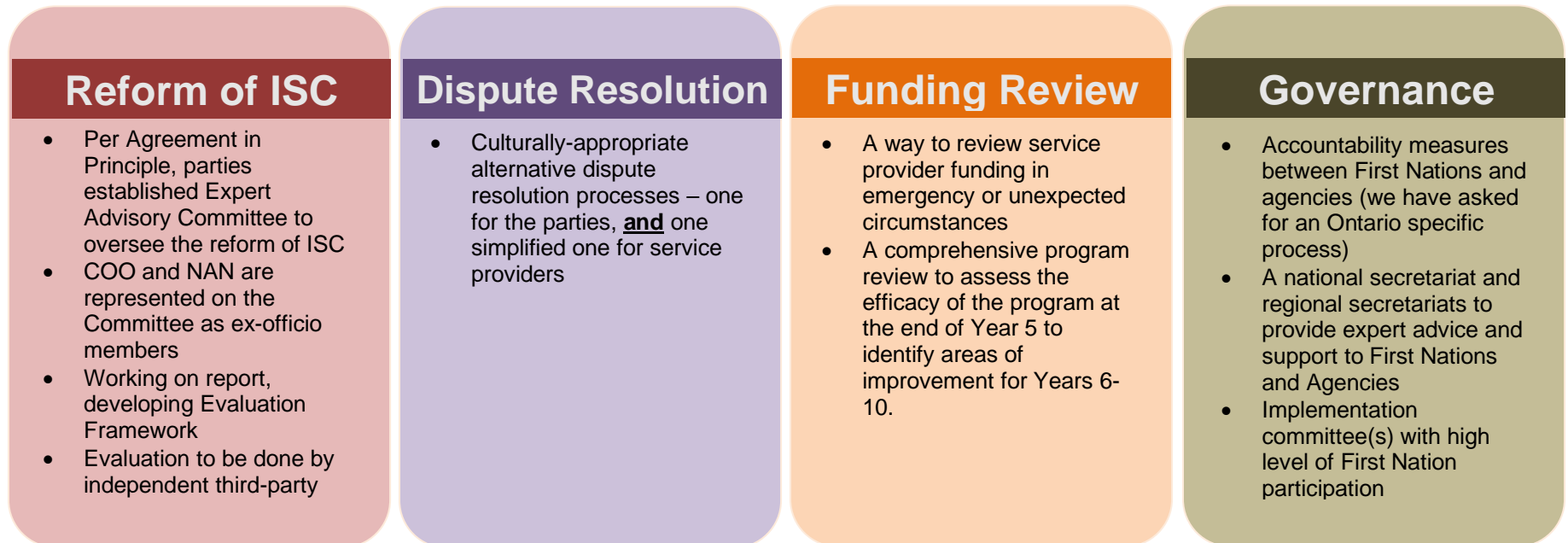
(2) 1965 INDIAN WELFARE AGREEMENT REFORM

- In 2016, the CHRT ordered that the 1965 Indian Welfare Agreement be reformed to eliminate discrimination against First Nations children and families.

- COO, NAN, Canada, and Ontario will participate in the renegotiation of the Agreement. While renegotiations have not yet started, the stage is set. Reform of the 1965 Agreement will continue regardless of the other elements of reform.
- COO and/or the PTOs are planning to have engagement sessions with leadership as the negotiations get underway.

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

- In 2016, the CHRT found that Canada discriminates against First Nations children and families and ordered the long-term reform of the FNCFS Program and Jordan's Principle.
- Parties to this process are COO, NAN, the AFN, the Caring Society, and Canada.
- A Final Settlement Agreement (FSA) on long-term reform of the FNCFS Program has not yet been concluded. Parties are working to conclude this FSA, which will have a 10-year term, by **March 31, 2024**. Parties are also working to conclude a separate FSA regarding Jordan's Principle by **December 31, 2024**.
- First Nations continue to be important child welfare service providers, delivering First Nation (Band) Representative Services, Prevention Services, Post Majority Support Services, and some services funded through Jordan's Principle.
- First Nation and FNCFS Agency funding allocations for 2024-25 are to be determined in the FSA, but additional funding will flow, including funding for: prevention; First Nations (Band) Rep; remoteness; housing; poverty alleviation; results and IT; and emergency. As well, funding for CFS capital, First Nation (Band) Rep off-reserve, and Post-Majority supports will continue to be available at actuals via application for 2024-25. See pages 3-4 for more details about this funding.
- The below diagram highlights some of the proposed non-monetary elements of the FSA for the FNCFS Program:



ELEMENTS OF THE FNCFS PROGRAM REFORMED FUNDING APPROACH – 2024-2025

FUNDING TYPE	FUNDING AMOUNT	RECIPIENT	AUTOMATIC OR APPLICATION-BASED?	DEADLINES?
Core operations funding/ protection and maintenance	Funded by Ontario according to Ontario funding formula	FNCFS Agencies	Funded by Ontario	On Ontario's funding cycle
Intake and investigation (including least disruptive measures), legal fees, and building repairs	Funded at actual cost of providing services	FNCFS Agencies	Application-based	Reimbursement application for prior fiscal is due Sept. 30 th of next year; can apply in advance
Prevention services (Link)	Funded at a rate of \$2,500 (adjusted for inflation) per on-reserve resident, currently split between First Nations and Agencies	First Nations & FNCFS Agencies Allocation between First Nations and FNCFS Agencies for fiscal year 2024/2025 is TBD	Automatic; will be added to funding agreement	Comes as part of annual funding agreement
First Nations Representative Services – on-reserve (Link)	Funding for fiscal year 2024/2025 is TBD	First Nations	Automatic. Until an FSA is concluded, can apply for “actual” cost if 75% of funding has been spent	Comes as part of annual funding agreement Reimbursement application for prior fiscal is due Sept. 30 th of next year; can apply in advance
First Nations Representative Services – off-reserve (Link)	Funded at actual cost of providing services	First Nations	Application-based. Ontario Regional Office of	Reimbursement application for prior fiscal is due Sept. 30 th following end of fiscal year; can apply in advance

			ISC processes funding requests.	
“Top-ups” for CFS-related emergencies, results (data collection), IT, and poverty alleviation	TBD; will depend on the total funding that a recipient receives and, in the case of poverty alleviation, the relative poverty of a community	TBD	Automatic; will be added to funding agreement	Comes as part of annual funding agreement
Remoteness funding	TBD; will depend on the degree of remoteness and the total funding that a recipient receives	TBD	Automatic; will be added to funding agreement	Comes as part of annual funding agreement
First Nations Children’s Housing Fund	TBD; portion of \$2 billion housing fund to be distributed over 5 years	First Nations	TBD	TBD
Capital funding to support delivery of FNRS (Band Rep) (Link)	Funding available at actual cost	First Nations	Application-based	Funding will continue to be available at actuals for at least 2024/2025. The FSA will set out new approach for 2025-26 onwards.
Capital funding to support delivery of FNCFS (child welfare) services (incl. prevention, protection, youth supports) and Jordan’s Principle (Link)	Funding available at actual cost	First Nations & FNCFS Agencies	Application-based	Funding will continue to be available at actuals for at least 2024/2025. The FSA will set out new approach for 2025-26 onwards.
Post-Majority Support Services funding (Link)	Funding available at actual cost	First Nations & FNCFS Agencies	Application-based	Funding will continue to be available at actuals for at least 2024/2025. The FSA will set out new approach for 2025-26 onwards.

This update does not include information about exercising jurisdiction under *An Act Respecting First Nations Inuit and Metis Children Youth and Families*. For information, see the COO *Child and Family Well Being Law Making Bundle* at https://chiefs-of-ontario.org/wp-content/uploads/2023/03/02-22-2023-Child-and-Family-Well-Being-Law-Making-Bundle-FINAL-002HL_999.pdf.