

Tribunal File No: T1340/7008

**CANADIAN HUMAN RIGHTS TRIBUNAL**

BETWEEN:

**FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and  
ASSEMBLY OF FIRST NATIONS**

Complainants

-and-

**CANADIAN HUMAN RIGHTS COMMISSION**

Commission

-and-

**ATTORNEY GENERAL OF CANADA****(representing the Minister of Indigenous and Northern Affairs Canada)**

Respondent

-and-

**CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA and  
NISHNAWBE ASKI NATION**

Interested Parties

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**AFFIDAVIT OF SUMMER DULAI**

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I, Summer Dulai, of the city of Toronto, in the Province of Ontario, DO SOLEMNLY AFFIRM:

1. I am a legal assistant at the law firm Olthuis Kleer Townshend LLP, counsel for the Interested Party Chiefs of Ontario (“COO”). In my role as a legal assistant, I am responsible for filing

and organizing materials and correspondence in these proceedings. As such, I have personal knowledge of these proceedings and the contents of this affidavit.

2. I have personally reviewed all the below listed exhibits and affirm that they are true copies of the materials and correspondence received by counsel for COO in these proceedings.
3. On February 10, 2025, the Registry Officer of the Canadian Human Rights Tribunal (the “Tribunal”) sent a letter on behalf of the Panel to the parties. A copy of this letter is attached as Exhibit “A”.
4. On April 24, 2025, Peter Mantas, counsel for the Assembly of First Nations (the “AFN”), sent a letter to the Tribunal. A copy of this letter is attached as Exhibit “B”.
5. On September 25, 2025, Sarah Clarke, counsel for the First Nations Child and Family Caring Society of Canada (the “Caring Society”), sent a letter to the Tribunal. A copy of this letter is attached as Exhibit “C”.
6. On September 25, 2025, Justin Safayeni, counsel for Chippewas of Georgina Island First Nation and Taykwa Tagamou Nation, sent a letter to the Tribunal. A copy of this letter is attached as Exhibit “D”.
7. On September 22, 2025, Sarah Clarke, counsel for the Caring Society, sent a letter to the Tribunal pursuant to the Caring Society’s 2025 CHRT 80 update for the month of September. A copy of this letter is attached as Exhibit “E”.
8. On October 16, 2025, Sarah Clarke, counsel for the Caring Society, sent a document titled “Caring Society Report to the Canadian Human Rights Tribunal” to the Tribunal pursuant to the Caring Society’s 2025 CHRT 80 update for the month of October. A copy of the document and the enclosing email are attached as Exhibit “F”.
9. On November 21, 2025, David Taylor, counsel for the Caring Society, sent a document titled “Caring Society Update to the CHRT” to the Tribunal as part of the Caring Society’s 2025

CHRT 80 update for the month of November. A copy of the document and the enclosing email are attached as Exhibit "G".

10. On December 22, 2025, Peter Mantas, counsel for the AFN, sent a letter to the Tribunal. A copy of this letter is attached as Exhibit "H".
11. On December 22, 2025, the National Children's Chiefs Commission published a press release titled "Loving Justice National Plan to End Canada's Discrimination in First Nations Child and Family Services" on the ourchildrenourway.ca website. On January 27, 2026, I retrieved a copy of this press release directly from the ourchildrenourway.ca website where it was posted and saved it as a PDF document. A copy of this press release is attached as Exhibit "I".
12. On January 29, 2026, David Taylor, counsel for the Caring Society, sent a document titled "Caring Society Report to the Canadian Human Rights Tribunal on the Implementation of 2025 CHRT 80" to the Tribunal as part of the Caring Society's 2025 CHRT 80 update for the month of January. A copy of the document and the enclosing email are attached as Exhibit "J".
13. I affirm this affidavit in support of COO's position on the National Children's Chiefs Commission's motion for interested party status and for no other or improper purpose.

**AFFIRMED** remotely via video teleconference by Summer Dulai of the city of Toronto, in the province of Ontario, before me at the City of Toronto, in the province of Ontario on this 2nd day of February, 2026 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

---

A Commissioner, etc.

JENNA ROGERS  
LSO #92960F



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Summer Dulai

A handwritten signature of Summer Dulai.

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<b>EXHIBIT</b>	<b>TITLE</b>
Exhibit "A"	Letter from the Canadian Human Rights Tribunal dated 10 February 2025
Exhibit "B"	Letter from the AFN to the Tribunal dated 24 April 2025
Exhibit "C"	Letter from the Caring Society to the Tribunal dated 25 September 2025
Exhibit "D"	Letter from Chippewas of Georgina Island First Nation and Taykwa Tagamou Nation to the Tribunal dated 25 September 2025
Exhibit "E"	Caring Society 2025 CHRT 80 report to the Tribunal dated 22 September 2025
Exhibit "F"	Caring Society 2025 CHRT 80 report to the Tribunal dated 16 October 2025
Exhibit "G"	Caring Society 2025 CHRT 80 report to the Tribunal dated 21 November 2025
Exhibit "H"	Letter from the AFN to the Tribunal dated 22 December 2025
Exhibit "I"	Press Release of the National Children's Chiefs Commission dated 22 December 2025
Exhibit "J"	Caring Society 2025 CHRT 80 report to the Tribunal dated 29 January 2026

This is **Exhibit “A”** to the  
Affidavit of Summer Dulai  
affirmed on February 2, 2026

A handwritten signature in black ink, appearing to read "Jenna Rogers", is written over a horizontal line.

*A Commissioner for taking Affidavits*

In accordance with O. Reg. 431/20,  
Administering Oath or Declaration Remotely  
Jenna Rogers LSO #92960F



February 10, 2025

**By e-mail**

(See Distribution List)

Dear Parties,

**Re: First Nations Child and Family Caring Society et al. v. Attorney General of Canada**  
**Tribunal File: T1340/7008**

The Panel wishes to convey the following to the parties:

The Panel deliberated after the last CMCC and still has outstanding questions for the parties that go beyond the Caring Society's motion for consultation.

The Tribunal signaled in 2018 CHRT 4 that it had entered the long-term remedial phase. The Tribunal ordered studies to inform the long-term remedies.

The Panel reminds Canada that it can end the process at any time with a settlement on compensation, immediate relief and long-term relief that will address the discrimination identified and explained at length in the Decision. Otherwise, the Panel considers this ruling to close the immediate relief phase unless its orders are not implemented. The Panel can now move on to the issue of compensation and long-term relief. (see 2018 CHRT 4 at, para. 385).

In 2022, the parties came back to this Tribunal asking for what it described as approximately 80% of the long-term remedial consent orders and that they would have a full reformed program by **March 2023**. This Tribunal issued its orders on consent of the parties in March 2022, **nearly 3 years ago** and has waited since and is still waiting.

2022 CHRT 8:

25. On December 31, 2021, the Parties announced that they had reached an Agreement-in-Principle on long-term reform. As part of that Agreement-in-Principle, the Parties committed to reforming the FNCFS Program by March 31, 2023, as well as improving compliance with and reforming Jordan's Principle. Also, in the Agreement-in-Principle, the parties have agreed that the Reformed CFS Funding Approach will accommodate First Nations and FNCFS service providers experiencing exceptional circumstances, to be defined in the Final Settlement Agreement, which may require a longer transition to the Reformed CFS.

26. In addition, the terms of the consent order sought in this consent motion (see paras 1-9 under “orders sought”) were annexed to the Agreement-in-Principle. Following the execution of the Agreement-in-Principle, the Caring Society, the AFN, and Canada agreed to seek this order as soon as possible.

### VIII. Retention of Jurisdiction

[175] Pending a complete and final agreement on long term relief on consent or otherwise and consistent with the approach to remedies taken in this case and referred to above, the Panel retains jurisdiction on the Consent Orders contained in this ruling. The Panel will revisit its retention of jurisdiction once the parties have filed a final and complete agreement on long-term relief or as the Panel sees fit considering the upcoming evolution of this case.

The Tribunal has been flexible and patient, however, is seriously considering options to move forward with the long-term remedial phase in accordance with its mandate under the *CHRA*, its rulings and in the best interest of First Nations children. The dialogic approach was adopted to move things forward in this case with an emphasis on consultation and reconciliation; however, the dialogic approach is not meant to be waiting for years and years of delay without finality. The Tribunal as master of its own house, has the power to control its own process and not idly wait for parties to unilaterally decide when and how to come back to the Tribunal and how many years to wait before the Tribunal can close the long-term remedial phase chapter.

It is far better for children to complete the long-term remedial phase shortly rather than wait for long periods of time. Reform may take longer but can be projected with the assistance of the studies. The Panel gave guidance on long-term remedy on multiple occasions and recently in 2025 CHRT 6. The Panel continues to rely on this rationale.

The Panel is giving an opportunity for the parties to share their views on the above for the Panel's consideration before it decides next steps. This question does not include Jordan's Principle for the time being. The parties will respond by:

Caring Society, AFN, COO and NAN by **February 24, 2025**

Commission by **March 3, 2025**

Canada by **March 17, 2025**

The Panel is also setting a schedule for the Caring Society's motion while reserving the right to place it on abeyance if the Tribunal deems it necessary. The same principle may apply for any other motion in these proceedings. The Panel does not believe that a hearing is required. The Panel accepts the 30 pages limit. There will be a limit of 50 pages total for all attachments for all affidavits from each party. If the Caring Society's affidavit exceeds this limit, they will refile a revised affidavit within a business week of this letter. The schedule below does not change if a revised affidavit is filed. Parties will also include in their factum submissions, their views on the duty to consult, the honor of the crown and the recent Supreme Court and Federal Court decisions for the Panel's consideration: *Quebec (Attorney General) v. Pekuakamiulnuatsh Takuhikan*, 2024 SCC 39; 2023 FC 916 (CanLII).

January 14, 2025: Caring Society Notice of Motion and Affidavit  
February 17, 2025: Caring Society's revised affidavit, if any.  
March 3, 2025: Responding Affidavits from the AFN and Interested Parties  
March 10, 2025: Responding Affidavits from the Commission, if any.  
March 13, 2025: Responding Affidavits from the AGC.  
March 17, 2025: Caring Society Factum  
March 31, 2025: AFN, COO and NAN Factums  
April 7, 2025: Commission Factum  
April 14, 2025: Canada Factum  
April 21, 2025: Caring Society Reply Factum

Should you have any questions, please do not hesitate to contact the Registry Office by e-mail at [registry.office@chrt-tcdp.gc.ca](mailto:registry.office@chrt-tcdp.gc.ca) by telephone at 613-878-8802 or by fax at 613-995-3484.

Yours truly,

Judy Dubois  
Registry Officer

**DISTRIBUTION LIST****TO:**

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This is **Exhibit “B”** to the  
Affidavit of Summer Dulai  
affirmed on February 2, 2026

A handwritten signature in black ink, appearing to read "Jenna Rogers", is written over a horizontal line.

*A Commissioner for taking Affidavits*

In accordance with O. Reg. 431/20,  
Administering Oath or Declaration Remotely  
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# FASKEN

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April 24, 2025

*BY EMAIL*  
 Registry.Office@chrt-tcdp.gc.ca

**Peter N. Mantas**

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 pmantas@fasken.com

Judy Dubois  
 Registry Office  
 Canadian Human Rights Tribunal  
 240 Sparks Street, 6<sup>th</sup> Floor West  
 Ottawa, ON K1A 1J4

***Re: First Nations Child and Family Caring Society of Canada et al v. Attorney General of Canada - Tribunal File: T1340/7008***

Dear Ms. Dubois,

We write further to the Tribunal's correspondence dated March 31, 2025, and ask that you bring this letter to its attention. At the outset, we thank the Tribunal for its indulgence in allowing us to make this submission on this date, and thank the other parties for their various consents to our request for more time.

Below, we respond to the following items: (1) AFN Representation; (2) Recent AFN correspondence to the Tribunal; and (3) Caring Society motion.

### *AFN Representation*

We confirm that we have been appointed as the new representatives of record for the Assembly of First Nations ("AFN") in this matter, pursuant to rule 16(2) of the Tribunal's *Rules of Procedure, 2021*. An amended Party Information Form is attached.

Further to the Tribunal's request for clarity regarding the appropriate person's making representations for the AFN, this is to confirm that it will be the undersigned, as counsel to the AFN in this matter, who are authorized to make submissions. Furthermore, communications should be directed to the undersigned regarding this matter. We thank the Panel for their patience and understanding as the AFN sought to appoint new legal counsel.

We believe this addresses the Tribunal's earlier queries in this regard. Should the Tribunal continue to require further clarity, please let us know.

# FASKEN

## *Recent AFN correspondence to the Tribunal*

Regarding the status of the AFN correspondence of the past few weeks, we affirm that the letter dated April 4, 2025 of the CEO Andrew Bisson represents the AFN's position. Furthermore, we affirm that the letter dated March 31, 2025 of Regional Chief Bernard (with the exception of the first sentence of paragraph 2 relating to Mr. Williamson, who we reaffirm acted further to AFN instructions at that time) also represents the AFN's position. As stated in the letter of RC Bernard, the earlier letter of March 24, 2025 is respectfully withdrawn.

For the convenience of the Tribunal, these letters are attached, together with the referenced enclosures to RC Bernard's letter.

## *Caring Society motion*

The AFN agrees with the relief sought by the Caring Society in its January 14, 2025 motion currently pending before the Tribunal. In particular, it supports the Caring Society's prayer for relief that the Tribunal issue an Order directing consultation between Canada, the AFN and the Caring Society on the national long-term reform of the First Nations Child and Family Services Program, First Nations federal child and family services and Jordan's Principle in line with the Tribunal's Order of February 1, 2018 (2018 CHRT 4) and its related consultation orders.

Yours truly,

**FASKEN MARTINEAU DuMOULIN LLP**



Peter N. Mantas

*c.c. Dayna Anderson, Kevin Staska, Sarah Bird, John Khan and Alicia Dueck-Read  
Counsel for the Respondent, Attorney General of Canada*

*David Taylor, Sarah Clarke and Kiana Saint-Macary  
Counsel for the Co-Complainant, First Nations Child and Family Caring Society of Canada*

*Anshumala Juyal and Khizer Pervez  
Counsel for the Canadian Human Rights Commission*

*Maggie Wente, Jessie Stirling and Ashley Ash  
Counsel for the Interested Party, Chiefs of Ontario*

*Asha James, Shelby Percival and Meaghan Daniels  
Counsel for the Interested Party, Nishnawbe Aski Nation*

*Justin Safayeni and Stephen Aylward  
Counsel for the Interested Party, Amnesty International*

This is **Exhibit “C”** to the  
Affidavit of Summer Dulai  
affirmed on February 2, 2026

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*A Commissioner for taking Affidavits*

In accordance with O. Reg. 431/20,  
Administering Oath or Declaration Remotely  
Jenna Rogers LSO #92960F

September 25, 2025

Judy Dubois  
Registry Operations  
Canadian Human Rights Tribunal  
240 Sparks Street, 6th Floor West  
Ottawa, ON K1A 1J4

Dear Ms. Dubois:

**RE: FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA ET AL V ATTORNEY GENERAL OF CANADA – T#1340/7008**

Pursuant to the direction of the Panel, dated September 17, 2025, the First Nations Child and Family Caring Society (the “**Caring Society**”) provides its position on the motion seeking approval, without amendment, of the Ontario Final Settlement Agreement on the long-term reform of the First Nations Child and Family Services Program (“**Ontario FSA**”).

The Caring Society welcomed the Tribunal’s ruling in 2025 CHRT 80 and has been busy discharging its responsibilities therein. We note, with concern, Canada’s application for judicial review of 2025 CHRT 80, which has the potential to impact the application of the Ontario FSA on a national basis as well as the parameters for long-term reform. The Notice of Application filed by Canada is general and vague in nature, making it difficult to predict the specific issues that Canada is seeking to challenge. Nonetheless, the judicial review reintroduces questions about the application of all or part of the Ontario FSA beyond Ontario.

In response to the Ontario FSA motion, the Caring Society will highlight the positive aspects of the agreement that have the potential to address Canada’s discrimination in First Nations child and family services in Ontario for the benefit of First Nations children. However, the motion is for the Ontario FSA to be adopted without amendment. The Caring Society is unable to support such an approach as, in its view, some critical elements of the Ontario FSA do not satisfy the Canadian Human Rights Tribunal’s orders to permanently end Canada’s discriminatory conduct. The Caring Society also supports the relief sought by Taykwa Tagamou Nation and the Chippewas of Georgina Island First Nation.

In taking these positions, the Caring Society strongly encourages Canada to provide any promised funding at levels comparable to those in the Ontario FSA for 2026/2027 and beyond while matters before the Tribunal are resolved.

Enclosed please find, the will say statements of Dr. Barbara Fallon, Dr. Dean Neu and Jasmine Kaur.

Yours Truly,



Sarah Clarke

cc. *David Taylor, Kiana Saint Macary and Robin McLeod,  
co-counsel for the First Nation Child and Family Caring Society*

*Dayna Anderson, Paul Vickery, Sarah Bird, Kevin Staska and Alicia Dueck-Read,  
Counsel for the Attorney General of Canada*

*Peter Mantas, Gabrielle Cyr and Tina Sun,  
Counsel for the Co-Complainant, Assembly of First Nations*

*Anshumala Juyal and Khizer Pervez,  
Counsel for the Canadian Human Rights Commission*

*Maggie Wente, Benjamin Brookwell, Sinéad Dearman, Jessie Stirling-Voss, Katelyn  
Johnstone, Ashley Ash, Jenna Rogers  
Counsel for the Interested Party, Chiefs of Ontario*

*Julian Falconer, Meaghan Daniels, and Jordan Tully  
Counsel for the Interested Party, Nishnawbe Aski Nation*

*Justin Safayeni, Stephen Aylward and Taskeen Nawab,  
Counsel for the Interested Party, Amnesty International*

*Justin Safayeni and Spencer Bass,  
Counsel for the Interested parties, Chippewas of Georgina Island First Nation and  
Taykwa Tagamou Nation*

This is **Exhibit “D”** to the  
Affidavit of Summer Dulai  
affirmed on February 2, 2026

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*A Commissioner for taking Affidavits*

In accordance with O. Reg. 431/20,  
Administering Oath or Declaration Remotely  
Jenna Rogers LSO #92960F

Justin Safayeni

Direct Line: 416-593-3494

justins@stockwoods.ca

September 25, 2025

**DELIVERED VIA EMAIL: [registry.office@chrt-tcdp.gc.ca](mailto:registry.office@chrt-tcdp.gc.ca)**

Judy Dubois  
Department of Justice  
Civil Litigation Section  
50 O'Connor Street, 5<sup>th</sup> Floor  
Ottawa, ON K1A 0H8

Dear Ms. Dubois

**Re: TTN and CGI Statement of Position and Witness Statements on OFA Motion**

We are counsel to Taykwa Tagamou Nation (“**TTN**”) and Chippewas of Georgina Island (“**CGI**”) in respect of this motion. We write further to the Tribunal’s September 17, 2025 scheduling direction.

*Witness statements*

We have only very recently been retained in this matter. As such, we have had limited time and capacity to produce witness statements. Still, we can advise that at this point in time, the potential witnesses that TTN and CGI intend to call, and the main areas of evidence they intend to focus on, are as follows:

- **Victor Linklater and Kayla Viau** will address matters relating to:
  - the process leading up to adoption of the OFA and the Trilateral Agreement (“**Agreements**”), including but not limited to lack of opportunities for consultation, engagement, input and information gathering;
  - the Agreements not representing lasting reform and the implications thereof;
  - the Agreements’ negative impact in terms of delaying necessary substantive reforms, including as it relates to funding for band representative services for off-reserve members;
  - the negative impacts of the Agreements on communities, including the Agreements’ failure to address discrimination in child and family services.
- **Chief Donna Big Canoe and Shannon Crate** will address matters relating to:
  - the process leading up to adoption of the Agreements, including but not limited to lack of opportunities for consultation, engagement, input and information gathering;
  - the Agreements not representing lasting reform and the implications thereof;
  - the Agreements’ negative impact in terms of delaying necessary substantive reforms, including as it relates to funding for band representative services for off-reserve members; and
  - the negative and unfair impacts of the Agreements’ approach to remoteness.

- **Kristin Murray** and **Amber Crowe** will address the negative impacts of the Agreements on communities, including the failure to address discrimination in child and family services.

With respect to affidavit length, TTN and CGI confirms that the total length of all affidavit evidence will remain within the 75 page maximum allotted. At this point, it is anticipated that the affidavit length will be roughly evenly distributed between the anticipated affiants identified above.

*Position on motion*

With respect to TTN and CGI's position on the motion:

- TTN and CGI oppose the relief sought on the motion and ask that the motion be dismissed
- In the alternative, TTN and CGI seek an order that they are not bound by the terms of the OFA and Trilateral Agreement if approved by the Tribunal
- In any event, should Canada, COO and/or NAN seek to pursue a further or revised Ontario-only agreement, they ought to engage in a fresh process to address the concerns put forward by TTN and CGI with respect to the OFA, both procedural and substantive

*Delivery of affidavit materials*

We note that pursuant to the Tribunal's September 17, 2025 scheduling direction, TTN and CGI's evidence is due on Thursday, October 2<sup>nd</sup>. Given our very recent retainer and next week's National Day for Truth and Reconciliation, TTN and CGI would respectfully request a brief extension until **Friday, October 3<sup>rd</sup>** to deliver their materials. This modest extension will not prejudice any party and will ensure TTN and CGI have the full opportunity to present relevant evidence before this Tribunal.

Yours truly,



Justin Safayeni

JS/cd

c. *Paul Vickery, Sarah Bird, Kevin Staska  
Counsel for the Attorney General of Canada*

*Peter Mantas, Gabrielle Cyr and Tina Sun,  
Counsel for the Co-Complainant, Assembly of First Nations*

*Maggie Wente, Benjamin Brookwell, Sinéad Dearman, Jessie Stirling-Voss, Katelyn Johnstone,  
Ashley Ash, Jenna Rogers  
Counsel for the Interested Party, Chiefs of Ontario*

*Julian Falconer, Meaghan Daniels, and Jordan Tully  
Counsel for the Interested Party, Nishnawbe Aski Nation*

*Sarah Clarke  
Counsel for the First Nations Child and Family Caring Society*

This is **Exhibit “E”** to the  
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*A Commissioner for taking Affidavits*

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Jenna Rogers LSO #92960F

September 22, 2025

Judy Dubois  
Registry Operations  
Canadian Human Rights Tribunal  
240 Sparks Street, 6th Floor West  
Ottawa, ON K1A 1J4

Dear Ms. Dubois:

**RE: FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA ET AL V ATTORNEY GENERAL OF CANADA – T#1340/7008**

Further to 2025 CHRT 80, the First Nations Child and Family Caring Society (the “**Caring Society**”) provides this update in consultation with the Assembly of First Nations (the “**AFN**”).

In 2025 CHRT 80, the Panel directed the AFN and the Caring Society to consult with “the National Children’s Chiefs Commission (the “**NCCC**”), First Nations Chiefs, and other experts, including First Nations and First Nations organizations outside Ontario, as well as those that have filed interested party motions, to develop an evidence-based, comprehensive National FNCFS long-term reform plan and requested remedies outside Ontario” (para. 120). Extensive work is being done to ensure that the timelines as ordered by the Tribunal are met and that consultation proceeds in a fulsome and transparent manner.

**Response to Canada’s August 29, 2025 Correspondence re: NCCC**

On August 29, 2025, Canada wrote to the Panel regarding the 2025 CHRT 80 ruling and advised that it had met with the NCCC. The NCCC has written to the AFN and the Caring Society raising concerns regarding the characterization of those meetings and the information shared in Canada’s August 29, 2025 correspondence. The NCCC’s letter, dated September 22, 2025, is attached hereto as **Schedule “A”**.

**Information Sharing with First Nations Leadership, First Nations Experts and Organizations re: 2025 CHRT 80**

The AFN hosted its Annual General Meeting on September 3-5, 2025 in Treaty One (Winnipeg, MB) (the “**AGM**”). The Caring Society, along with members of the NCCC attended. On September 5, 2025, AFN Regional Chief Joanna Bernard, NCCC Chair, Chief Pauline Frost, NCCC Commissioner Chief David Monias (MB) and Cindy Blackstock

provided a plenary information session on the requirements of 2025 CHRT 80 including forthcoming consultations on a national plan and remedies regarding child and family services. Attendees included First Nations Leadership, First Nations child and family service experts and the public.

Also during the AGM, by resolution, the Chiefs-in-Assembly approved the Terms of Reference for the NCCC and called on the AFN to provide funding to ensure that the NCCC can engage in the work contemplated under 2025 CHRT 80. The Chiefs-in-Assembly also passed a resolution calling on Canada to immediately and effectively address its non-compliance and the Jordan's Principle backlog in particular. Once those resolutions are formally released, we will provide them to the Tribunal.

Further information sharing took place at the Loving Justice Conference in Treaty Six (Saskatoon, Saskatchewan) on September 9 & 10, 2025. On September 9, 2025, NCCC Chair Chief Pauline Frost and NCCC Co-Chair Deborah Foxcroft provided an update on the NCCC including their assistance with the national consultations to inform the plan and remedies required in 2025 CHRT 80. There were over 600 delegates at this national conference, focused on jurisdiction in First Nations child and family services including First Nations Leadership, First Nations child and family service experts and legal professionals from across Canada. On September 10, 2025, Cindy Blackstock, presented at the conference and included information on 2025 CHRT 80 and the next steps in the development of the national plan and remedies required in 2025 CHRT 80 and met with Elders who were formerly in care.

### **Development of the Consultation Workplan**

In relation to the consultation workplan, the AFN and the Caring Society are working together with the NCCC to leverage their respective expertise and platforms to complete the workplan in accordance with 2025 CHRT 80. The current focus is to finalize the consultation materials, including the development of consultation themes and an information package, setting out the scope of the CHRT complaint, the existing orders as well as the goals and constraints of this process. Our interim timeline is as follows:

- a. October 1, 2025: Finalizing consultation materials in French and English
- b. October 1, 2025- November 15, 2025: Consultations with First Nations leadership and regional experts as well as prospective interested parties.
- c. November 15, 2025: Begin roll up of results of national consultation and provide further information sessions on how the materials will inform the plan and remedies
- d. December 20, 2025: AFN and Caring Society file the plan with remedies with the CHRT

We have also reached out directly to all of the proposed intervenors who sought leave to this proceeding, with the goal of meeting with them and their counsel in October 2025.

Our engagement will include consulting with the Assembly of Seven Generations, which is an Indigenous youth-led grass-roots organization focused on the needs of Indigenous youth, including those formally in care. It will be essential for our work to be informed by the experiences of youth in care and youth formally in care.

### **Further Disclosure Required to Complete the National Plan**

In order to ensure that the AFN and the Caring Society can engage in fulsome consultation and build a national remedial plan to end Canada's discrimination and prevent its recurrence, ongoing disclosure is required. On September 22, 2025, in advance of sending this letter, the Caring Society wrote to Canada requesting the following:

- *Federal-Provincial and Federal-Yukon Agreements for the purposes of providing child and family services, including reformed federal-provincial and Federal-Yukon agreements in place between 2016 and 2025; and*
- *Documents related to the discussions and negotiations with respect to the reform of federal-provincial and Federal-Yukon agreements, including but not limited to audits, annual reports, funding reviews, performance data collection, analysis, reporting, and funding amounts provided under Federal-Provincial and Federal-Yukon agreements including the services and activities for which funding is provided.*

The Caring Society has asked Canada to advise in advance of the case management conference scheduled for September 26, 2025, whether it has any objection to providing this disclosure.

### **Judicial Review of 2025 CHRT 80**

On Friday September 19, 2025, the AFN and the Caring Society were served with an application for judicial review of 2025 CHRT 80. We believe the work directed pursuant to 2025 CHRT 80 should continue, irrespective of Canada's application. The AFN and the Caring Society look forward to providing the Panel with a comprehensive update in October 2025.

### **Clarification Regarding the Panel's Letter of September 12, 2025 Re: 2025 CHRT 6**

In its letter dated September 12, 2025, the Panel noted as follows:

The Tribunal appreciates the clarification. It had not understood that 9 of the 11 topics were resolved. Given that the consultation orders for the complaints mechanisms were postponed until after the other orders, and considering the confidentiality of the mediation process, the Tribunal does not know which items were discussed and which remain outstanding. The number 9 arose from the July 21, 2025, CMCC discussions. The Tribunal had understood that the discussions had ended and that the outcome was unclear. Canada's confirmation reinforces the concerns expressed by the Tribunal in 2025 CHRT 80. If six months of discussions between the parties did not result in agreement on any of the 11 items, Canada's desire to coordinate discussions on the two outstanding issues does not, in itself, address the Tribunal's concerns. The Tribunal is considering next steps on this point.

The AFN and the Caring Society wish to clarify that 9 of the 11 topics are not resolved. To date there is no agreement on any of the items. The AFN and the Caring Society hope to discuss next steps at the case management conference on September 26, 2025.

Yours Truly,



Sarah Clarke

cc. *Peter Mantas, Gabrielle Cyr and Tina Sun,  
Counsel for the Co-Complainant, Assembly of First Nations*

*Dayna Anderson, Paul Vickery, Sarah Bird, Kevin Staska and Alicia Dueck-Read,  
Counsel for the Attorney General of Canada*

*Anshumala Juyal and Khizer Pervez,  
Counsel for the Canadian Human Rights Commission*

*Maggie Wente, Benjamin Brookwell, Sinéad Dearman, Jessie Stirling-Voss, Katelyn  
Johnstone, Ashley Ash, Jenna Rogers  
Counsel for the Interested Party, Chiefs of Ontario*

*Julian Falconer, Meaghan Daniels, and Jordan Tully  
Counsel for the Interested Party, Nishnawbe Aski Nation*

*Justin Safayeni, Stephen Aylward and Taskeen Nawab,  
Counsel for the Interested Party, Amnesty International*

This is **Exhibit “F”** to the  
Affidavit of Summer Dulai  
affirmed on February 2, 2026



*A Commissioner for taking Affidavits*

In accordance with O. Reg. 431/20,  
Administering Oath or Declaration Remotely  
Jenna Rogers LSO #92960F



## Monthly Update - 2025 CHRT 80 - FNCFCSC and AFN v. AGC (CHRT File T1340/7008)

**From** Sarah Clarke <[sarah@childandfamilylaw.ca](mailto:sarah@childandfamilylaw.ca)>

**Date** Thu 10/16/2025 1:12 PM

**To** CHRT Registry Office <[Registry.Office@chrt-tcdp.gc.ca](mailto:Registry.Office@chrt-tcdp.gc.ca)>; 'David Taylor' <[DTaylor@conwaylitigation.ca](mailto:DTaylor@conwaylitigation.ca)>; Kiana Saint-Macary <[ksaintmacary@conwaylitigation.ca](mailto:ksaintmacary@conwaylitigation.ca)>; Peter Mantas <[pmantas@fasken.com](mailto:pmantas@fasken.com)>; [gcyr@fasken.com](mailto:gcyr@fasken.com) <[gcyr@fasken.com](mailto:gcyr@fasken.com)>; 'tsun@fasken.com' <[tsun@fasken.com](mailto:tsun@fasken.com)>; 'Anshumala.Juyal@chrc-ccdp.gc.ca' <[Anshumala.Juyal@chrc-ccdp.gc.ca](mailto:Anshumala.Juyal@chrc-ccdp.gc.ca)>; khizer.pervez@chrc-ccdp.gc.ca <[khizer.pervez@chrc-ccdp.gc.ca](mailto:khizer.pervez@chrc-ccdp.gc.ca)>; 'Vickery, Paul' <[Paul.Vickery@justice.gc.ca](mailto:Paul.Vickery@justice.gc.ca)>; 'Norris, Sarah-Dawn' <[Sarah-Dawn.Norris@Justice.gc.ca](mailto:Sarah-Dawn.Norris@Justice.gc.ca)>; 'Jones, Meg' <[Meg.Jones@justice.gc.ca](mailto:Meg.Jones@justice.gc.ca)>; 'Anderson, Dayna (she; her | elle; Ia)' <[Dayna.Anderson@justice.gc.ca](mailto:Dayna.Anderson@justice.gc.ca)>; 'Staska, Kevin' <[Kevin.Staska@justice.gc.ca](mailto:Kevin.Staska@justice.gc.ca)>; Bird, Sarah (she her elle Ia) <[Sarah.Bird@justice.gc.ca](mailto:Sarah.Bird@justice.gc.ca)>; Khan, Jon <[Jon.Khan@justice.gc.ca](mailto:Jon.Khan@justice.gc.ca)>; Dueck-Read, Alicia (she her elle Ia) <[Alicia.Dueck-Read@justice.gc.ca](mailto:Alicia.Dueck-Read@justice.gc.ca)>; Aman.Owais@justice.gc.ca <[Aman.Owais@justice.gc.ca](mailto:Aman.Owais@justice.gc.ca)>; Maggie Wente <[MWente@oktlaw.com](mailto:MWente@oktlaw.com)>; Benjamin Brookwell <[bbrookwell@oktlaw.com](mailto:bbrookwell@oktlaw.com)>; Sinéad Dearman <[SDearman@oktlaw.com](mailto:SDearman@oktlaw.com)>

**Cc** Robin McLeod <[robin@childandfamilylaw.ca](mailto:robin@childandfamilylaw.ca)>; Katherine Quintana-James <[Katherine@childandfamilylaw.ca](mailto:Katherine@childandfamilylaw.ca)>

2 attachments (494 KB)

[Caring.Society.Ltr.to.CHRT.October.2025CHRT80.Update.pdf](mailto:Caring.Society.Ltr.to.CHRT.October.2025CHRT80.Update.pdf); [Caring.Society.2025CHRT80.Monthly.Report.October.2025.pdf](mailto:Caring.Society.2025CHRT80.Monthly.Report.October.2025.pdf);

Good afternoon Ms. Dubois,

Please see correspondence and the monthly report from the First Nations Child and Family Caring Society in relation to 2025 CHRT 80.

Many thanks,  
Sarah

**Sarah Clarke (she/her)**

36 Toronto Street, Suite 950  
Toronto, ON M5C 2C5  
Tel: 416.260.3030  
Fax: 647.689.3286  
[childandfamilylaw.ca](http://childandfamilylaw.ca)



This message is intended only for the persons to whom it is addressed. It should not be read by or delivered to any other person as it may contain privileged or confidential information. If you have received this message in error please notify me immediately at [sarah@childandfamilylaw.ca](mailto:sarah@childandfamilylaw.ca).

# Caring Society Report to the Canadian Human Rights Tribunal

First Nations Child and Family Caring Society et al. v Attorney General of Canada T1340/7008Implementation of 2025 CHRT 80  
October 16, 2025

## Engagement Workplan Overview

The Caring Society, in collaboration with the Assembly of First Nations (AFN) and the National Children's Chiefs Commission (NCCC), is actively working to implement the workplan outlined in 2025 CHRT 80. This partnership leverages the unique expertise and platforms of each organization to advance the objectives of long-term reform pursuant to all of the Tribunal's orders.

### Development and Finalization of Engagement Materials

The engagement materials have been carefully crafted with input from First Nations Leadership, AFN Resolutions, and recommendations from experts in First Nations child and family services. Themes for engagement questions reflect the best available evidence and prioritize the perspectives of First Nations communities. The materials also include comprehensive background information on the case of First Nations Child and Family Caring Society et al. v. Attorney General of Canada (T1340/7008). An example of a recent list of resources to inform engagement is attached to this report.

### Official Languages and Accessibility

To ensure inclusivity and accessibility, all engagement materials and resources are provided in both official languages. Multiple formats are offered—including online forms, fillable PDFs, and fillable Word documents—to accommodate varying levels of internet access among First Nations communities.

### Distribution of Engagement Materials

The National Children's Chiefs Commission (leadership and technicians) and the First Nations Child and Family Caring Society have distributed engagement materials to relevant stakeholders, ensuring wide reach across regions.

## Support Tools for Engagement

The Caring Society launched national engagements through a National Children's Chiefs Commission webinar, which was made available in both official languages. Additional webinars are scheduled throughout the engagement period to further support participation. Supplementary resources, including information sheets and podcasts summarizing research on child maltreatment prevention, have also been produced and distributed.

## Engagement Timeline

- October 1, 2025: Finalization of engagement materials in French and English.
- October 1, 2025 – November 15, 2025: Engagements with First Nations leadership, regional experts, and interested parties.
- November 15, 2025: Roll-up of national engagement results begins, with additional information sessions detailing how the outcomes will inform the plan and remedies.
- December 20, 2025: AFN and the Caring Society to file the plan with remedies to the CHRT.

## Regional Forums

Due to funding constraints, regions are self-organizing engagement activities by utilizing existing meetings and online platforms. The Caring Society has participated in, or has been invited to participate in, regional forums across Yukon, British Columbia, Manitoba, New Brunswick, and Saskatchewan.

## National Conference Presentations

- November 3–5, 2025: Presentations and discussions at “Our Children; Our Way” in Squamish Nation, Musqueam, and Tsleil-Waututh Nation territories (Vancouver, BC).
- December 2025: Potential presentation at the AFN Special Chiefs Assembly, pending AFN approval for a one-hour plenary session and information table.

## Youth Engagements

Regions are encouraged to include youth, particularly those with lived experience in and from care, in regional consultations. The Caring Society has scheduled a meeting with a youth organization later this month to further support youth engagement.

## Engagement with Those Who Sought Interested Party Status

The Caring Society is also hosting engagement sessions with the First Nations and First Nations organizations that sought interested party status in the Tribunal proceeding. Those sessions are scheduled for the end of October 2025.

## Required Disclosures from Canada

To enable meaningful consultations, the following disclosures are required from Canada (excluding Ontario): copies of all federal agreements and arrangements with provincial/territorial funding agreements for First Nations child and family services (from 2016 to the present) and copies of all current policies, bulletins, and directives related to Indigenous Services Canada's (ISC) provision of First Nations child and family services. The Caring Society requested this disclosure from Canada on September 22, 2025, but to date has not received the requested disclosure or an update from Canada regarding whether it will produce same. Counsel for Canada advised on October 16, 2025 that a response would be forthcoming within the week.

## Canada's Implementation of 2025 CHRT 80

Canada's report from September lacked sufficient detail on the steps being taken to assemble an evidence-informed plan and remedies. On September 19, 2025, the Minister of ISC publicly stated that meetings with First Nations Rights Holders are underway, suggesting these discussions support Canada's decision to commence the judicial review application in relation to 2025 CHRT 80: <https://x.com/MandyGullMasty/status/1969168352284213262>. However, there has been no disclosure regarding who was consulted, in what context, or the substance of those discussions.

## Urgent Need for Full Cooperation with the Expert Advisory Committee (EAC)

The Caring Society has received correspondence from the EAC expressing concern that Canada's actions are impeding the EAC's ability to fulfil its mandate. The Caring Society maintains that the EAC is independent and should be able to provide advice on ISC reform without any form of retaliation or interference, and with the full cooperation of all parties involved.

- ISC has not paid invoices for EAC members—including Elders and youth—due to shifting justifications, such as the imposition of terms of reference not agreed to by the EAC or the Caring Society. These terms were previously rejected by First Nations in Assembly as part of the draft Final Settlement Agreement.
- ISC has requested detailed invoice information, which appears to require disclosure of the names of First Nations Leadership and experts.
- ISC has not convened EAC meetings or provided timely and relevant information.

- ISC has insisted on meetings with EAC co-chairs to discuss terms of reference prior to calling EAC meetings.

On September 25, 2025, the Assembly of First Nations wrote to Canada, with the Caring Society copied, expressing support for the EAC and urging Canada to convene a co-chairs meeting and an EAC meeting promptly. Although Canada surveyed possible dates for the co-chairs meeting, an EAC meeting has yet to be scheduled.

## Funding to Support Engagement Pursuant to 2025 CHRT 80

To date, the AFN, the National Children's Chiefs Commission and the Caring Society have undertaken all of the engagement work without financial support or capacity funding from Canada. The Caring Society is of the view that the engagement undertaken pursuant to 2025 CHRT 80 ought to be reimbursed by Canada under the Consultation Protocol for the Caring Society's and AFN's efforts, as complainants, to develop long-term reform approaches. We further believe that Canada ought to reimburse the National Children's Chiefs Commission for its costs. In particular, paragraphs 20-22 and 25 of the Consultation Protocol support such an approach:

- 20 (development by the parties of long-term relief approaches, for the Tribunal's consideration),
- 21 (work with the parties' constituencies to develop mid-term and long-term reforms),
- 22 (sufficient and adequate capacity funding by Canada),
- 25 (duration of the Consultation Protocol until mid to long term remedies are completely implemented).

On October 14, 2025, the Caring Society sought Canada's position on the scope of the Consultation Protocol with regard to capacity funding to support the engagement directed pursuant to 2025 CHRT 80. On October 15, 2025, counsel for Canada indicated that they would need to seek instructions and did not anticipate receiving those instructions prior to October 20, 2025.

## Conclusion

This report highlights significant progress in engaging First Nations Leadership, experts, and youth in the development of a national plan and remedies pursuant to 2025 CHRT 80. Collaborative efforts between the Caring Society, AFN, and the National Children's Chiefs Commission have resulted in the finalization and distribution of engagement materials, supported by accessible resources and regional forums. Despite these advancements, ongoing challenges remain, including insufficient funding, limited disclosure of key information from Canada, and the judicial review of 2025 CHRT 80. The imperative for Canada to fully cooperate with the Caring Society, AFN, NCCC, and the Expert Advisory Committee—and to respect the EAC's independent mandate—is paramount. Continued advocacy and transparency are essential to ensure the engagement process drives meaningful reform and the elimination of discrimination in First Nations child and family services.

# Resources for Developing a National Plan to End Canada's Discrimination in First Nations Child and Family Services

October 2025



This information sheet contains a list of resources on topics related to First Nations Child and Family Services to inform regional discussions on developing a national plan to end Canada's discrimination and ensure that First Nations children, youth, and families have access to effective and culturally based interventions to prevent and respond to child maltreatment and ensure they can thrive in a manner consistent with applicable child protection legislation and legal orders. The legislation and orders include, but are not limited to, An Act respecting First Nations, Inuit and Métis children, youth and families; the Canadian Human Rights Act; the orders of the Canadian Human Rights Tribunal in First Nations Child and Family Caring Society et al. v Attorney General of Canada; and the United Nations Declaration on the Rights of Indigenous Peoples.

## Child Maltreatment

### What is Child Sexual Abuse? (April 2025)

[cwrp.ca/publications/what-child-sexual-abuse](http://cwrp.ca/publications/what-child-sexual-abuse)

### What is Children's Exposure to Intimate Partner Violence? (April 2025)

[cwrp.ca/publications/what-childrens-exposure-intimate-partner-violence](http://cwrp.ca/publications/what-childrens-exposure-intimate-partner-violence)

### What is Child Neglect? (September 2024)

[cwrp.ca/publications/what-is-child-neglect](http://cwrp.ca/publications/what-is-child-neglect)

### What is Child Physical Abuse? (September 2024)

[cwrp.ca/publications/what-is-child-physical-abuse](http://cwrp.ca/publications/what-is-child-physical-abuse)

### Data on First Nations Children and Families in Contact With Child Welfare (2019)

[fncaresociety.com/publications/first-nations-incidence-study-reported-child-abuse-neglect-2019-fncis-2019-information](http://fncaresociety.com/publications/first-nations-incidence-study-reported-child-abuse-neglect-2019-fncis-2019-information)

## Prevention

### Balancing Immediate Protection and Long-Term Well-Being (April 2025)

[cwrp.ca/publications/balancing-immediate-protection-and-long-term-well-being](http://cwrp.ca/publications/balancing-immediate-protection-and-long-term-well-being)

### Supreme Court of Canada's Reference re An Act Respecting First Nations, Inuit and Métis Children, Youth and Families: What Indigenous Peoples and Governments Need to Know (January 2025)

[cwrp.ca/publications/supreme-court-canadas-reference-re-act-respecting-first-nations-inuit-and-metis-legislation-regulation-and-soft-law](http://cwrp.ca/publications/supreme-court-canadas-reference-re-act-respecting-first-nations-inuit-and-metis-legislation-regulation-and-soft-law) (January 2025)

[cwrp.ca/publications/legislation-regulation-and-soft-law](http://cwrp.ca/publications/legislation-regulation-and-soft-law)

### What are Child Welfare Prevention Services? (September 2024)

[cwrp.ca/publications/what-are-child-welfare-prevention-services](http://cwrp.ca/publications/what-are-child-welfare-prevention-services)

### What is Out-of-Home Care? (September 2024)

[cwrp.ca/publications/what-is-out-home-care](http://cwrp.ca/publications/what-is-out-home-care)

### Unpacking the Meaning of Culturally-Relevant, Trauma-Informed Care (August 21, 2024)

Spirit Bear Podcast, S2 E7: [jkingfnfcfs.podbean.com/e/s2-e7-unpacking-the-meaning-of-culturally-relevant-trauma-informed-care/](http://jkingfnfcfs.podbean.com/e/s2-e7-unpacking-the-meaning-of-culturally-relevant-trauma-informed-care/)

### Loving Our Children: Finding What Works for First Nations Families (April 2024)

[cwrp.ca/publications/loving-our-children-finding-what-works-first-nations-families](http://cwrp.ca/publications/loving-our-children-finding-what-works-first-nations-families)

### Ask an Expert: Going "0-60" with Prevention Services (January 2024)

[fncaresociety.com/publications/ask-expert-going-0-60-prevention-services](http://fncaresociety.com/publications/ask-expert-going-0-60-prevention-services)

### Going "0-60" with Prevention Services (December 7, 2023)

Spirit Bear Podcast, S2 E10: [jkingfnfcfs.podbean.com/e/s2-e10-going-0-60-in-prevention-services/](http://jkingfnfcfs.podbean.com/e/s2-e10-going-0-60-in-prevention-services/)

### Culturally Relevant Substance Use Interventions for First Nations, Métis, and Inuit Communities (November 3, 2023)

Spirit Bear Podcast, S2 E9: [jkingfnfcfs.podbean.com/e/s2-e9-culturally-relevant-substance-use-interventions-for-first-nations-metis-and-inuit-communities/](http://jkingfnfcfs.podbean.com/e/s2-e9-culturally-relevant-substance-use-interventions-for-first-nations-metis-and-inuit-communities/)

### Ask an Expert: Substance Use Interventions (November 2023)

[fncaresociety.com/publications/ask-expert-culturally-relevant-substance-use-interventions-first-nations-metis-and](http://fncaresociety.com/publications/ask-expert-culturally-relevant-substance-use-interventions-first-nations-metis-and)

### Ask an Expert: Providing Culturally Relevant, Trauma-Informed Care to First Nations Youth (August 2023)

[fncaresociety.com/publications/ask-expert-providing-culturally-relevant-trauma-informed-care-first-nations-youth](http://fncaresociety.com/publications/ask-expert-providing-culturally-relevant-trauma-informed-care-first-nations-youth)

### Liability and Prevention Services: An Information Sheet for First Nations Providing Prevention Services (July 2023)

[fncaresociety.com/publications/liability-and-prevention-services](http://fncaresociety.com/publications/liability-and-prevention-services)

### Let's Talk About Birth Alerts (June 8, 2023)

Spirit Bear Podcast: [jkingfnfcfs.podbean.com/e/birth-alerts/](http://jkingfnfcfs.podbean.com/e/birth-alerts/)

### Ask an Expert: Birth Alerts with Dr. Barbara Fallon, Dr. Ashley Vandermorris and Genevieve Sansone (April 2023)

## Resources for Developing a National Plan

[fncaringsociety.com/publications/ask-expert-birth-alerts-dr-barbara-fallon-dr-ashley-vandermorris-and-genevieve-sansone](https://fncaringsociety.com/publications/ask-expert-birth-alerts-dr-barbara-fallon-dr-ashley-vandermorris-and-genevieve-sansone)

### **Parenting Capacity Assessments (April 24, 2023)**

Spirit Bear Podcast, S2 E3: [jkingfnfcfs.podbean.com/e/s2-e3-parenting-capacity-assessments/](https://jkingfnfcfs.podbean.com/e/s2-e3-parenting-capacity-assessments/)

### **Ask an Expert: Parenting Capacity Assessments (April 2023)**

[fncaringsociety.com/publications/ask-expert-parenting-capacity-assessments-dr-barbara-fallon-dr-ashley-vandermorris-and](https://fncaringsociety.com/publications/ask-expert-parenting-capacity-assessments-dr-barbara-fallon-dr-ashley-vandermorris-and)

### **Getting Started with Prevention Services – Infographic (July 2022)**

[fncaringsociety.com/publications/getting-started-prevention-services-infographic](https://fncaringsociety.com/publications/getting-started-prevention-services-infographic)

### **Child & Family Services – Prevention Measures: Federal, Territorial and Provincial Legislation (December 29, 2020)**

[fncaringsociety.com/publications/canadian-federal-provincial-and-territorial-prevention-legislation-review](https://fncaringsociety.com/publications/canadian-federal-provincial-and-territorial-prevention-legislation-review)

## Funding Structures

### **Institute of Fiscal Studies and Democracy - First Nations Child and Family Services (FNCFS) Project: Phase 3 (Interim Update) (March 2024)**

[fncaringsociety.com/publications/first-nations-child-and-family-services-fncfs-phase-3-interim-update](https://fncaringsociety.com/publications/first-nations-child-and-family-services-fncfs-phase-3-interim-update)

### **Institute of Fiscal Studies and Democracy - First Nations Child and Family Services (FNCFS) Project: Phase 2 (Executive Summary) (August 2020)**

[fncaringsociety.com/publications/ifsds-executive-summary-phase-2](https://fncaringsociety.com/publications/ifsds-executive-summary-phase-2)

### **Institute of Fiscal Studies and Democracy - Funding First Nations Child and Family Services (FNCFS): A Performance Budget Approach to Well-Being (Fact Sheets) (January 2020)**

[fncaringsociety.com/publications/ifsds-fact-sheets](https://fncaringsociety.com/publications/ifsds-fact-sheets)

## Reformed Approaches

### **Study of Budget Needs and Funding for Small First Nations in the Amended Draft Final Settlement Agreement for Long-Term Reform of FNCFS Program (July 2025)**

[fncaringsociety.com/publications/study-budget-needs-and-funding-small-first-nations-amended-draft-final-settlement](https://fncaringsociety.com/publications/study-budget-needs-and-funding-small-first-nations-amended-draft-final-settlement)

### **Reformed Approach to Child and Family Services (June 2024)**

[fncaringsociety.com/publications/reformed-approach-child-and-family-services](https://fncaringsociety.com/publications/reformed-approach-child-and-family-services)

### **Caring Society's March 24, 2025, Submission to the Tribunal Regarding Long-Term Reform of First Nations Child and Family Services (March 2024)**

[fncaringsociety.com/publications/caring-societys-march-24-2025-submission-tribunal-long-term-reform](https://fncaringsociety.com/publications/caring-societys-march-24-2025-submission-tribunal-long-term-reform)

### **Expert Advisory Committee for the Reform of Indigenous Services Canada: Summary Report of Activities, Observations and Advice (2024)**

<https://fncaringsociety.com/publications/eac-reform-indigenous-services-canada-summary-report-activities-observations-and>

## Proposed Amendments

### **Proposed Amendments to the Draft Final Settlement Agreement (Sept. 24, 2024)**

[fncaringsociety.com/publications/caring-societys-proposed-amendments-draft-fsa](https://fncaringsociety.com/publications/caring-societys-proposed-amendments-draft-fsa)

## 2016 CHRT 2

### **Victory for First Nations Children: Canadian Human Rights Tribunal Finds Discrimination Against First Nations Children Living On-Reserve (January 26, 2016)**

[fncaringsociety.com/publications/2016-chrt-2-information-sheet-victory-first-nations-children](https://fncaringsociety.com/publications/2016-chrt-2-information-sheet-victory-first-nations-children)

## 2025 CHRT 80

### **Canadian Human Rights Tribunal Ruling on National First Nations Child and Family Services Long-Term Reform: 2025 CHRT 80 (August 2025)**

[fncaringsociety.com/publications/2025-chrt-80](https://fncaringsociety.com/publications/2025-chrt-80)

For more information, visit [fnwitness.ca](http://fnwitness.ca)

This is **Exhibit “G”** to the  
Affidavit of Summer Dulai  
affirmed on February 2, 2026

A handwritten signature in black ink, appearing to read "Jenna Rogers", is written over a horizontal line.

*A Commissioner for taking Affidavits*

In accordance with O. Reg. 431/20,  
Administering Oath or Declaration Remotely  
Jenna Rogers LSO #92960F



## T1340/7008: FNCFCSC et al v AGC - Caring Society November Report

**From** David Taylor <DTaylor@conwaylitigation.ca>

**Date** Fri 11/21/2025 2:18 PM

**To** CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>; Dubois, Judy <judy.dubois@tribunal.gc.ca>

**Cc** Sarah Clarke <sarah@childandfamilylaw.ca>; Peter Mantas <pmantas@fasken.com>; gcyr@fasken.com <gcyr@fasken.com>; 'tsun@fasken.com' <tsun@fasken.com>; Clive Ngan <cngan@fasken.com>; 'Anshumala.Juyal@chrc-ccdp.gc.ca' <Anshumala.Juyal@chrc-ccdp.gc.ca>; khizer.pervez@chrc-ccdp.gc.ca <khizer.pervez@chrc-ccdp.gc.ca>; 'Vickery, Paul' <Paul.Vickery@justice.gc.ca>; 'Norris, Sarah-Dawn' <Sarah-Dawn.Norris@Justice.gc.ca>; 'Jones, Meg' <Meg.Jones@justice.gc.ca>; 'Anderson, Dayna (she; her | elle; Ia)' <Dayna.Anderson@justice.gc.ca>; 'Staska, Kevin' <Kevin.Staska@justice.gc.ca>; Bird, Sarah (she her elle Ia) <Sarah.Bird@justice.gc.ca>; Khan, Jon <Jon.Khan@justice.gc.ca>; Dueck-Read, Alicia (she her elle Ia) <Alicia.Dueck-Read@justice.gc.ca>; Aman.Owais@justice.gc.ca <Aman.Owais@justice.gc.ca>; Maggie Wente <MWente@oktlaw.com>; Benjamin Brookwell <bbrookwell@oktlaw.com>; Sinéad Dearman <SDearman@oktlaw.com>; Katelyn Johnstone <kjohnstone@oktlaw.com>

📎 1 attachment (117 KB)

Caring Society November CHRT Report.pdf;

Good afternoon Ms. Dubois,

Please find attached the Caring Society's report on activities pursuant to 2025 CHRT 80 for November.

Best regards,

David Taylor

---

**David Taylor**

Associé | Partner

613.691.0368

[View Bio](#)

**CONWAY**

[conwaylitigation.ca](http://conwaylitigation.ca)

Conway Baxter Wilson LLP/s.r.l.

# Caring Society Update to the CHRT

November 2025

## Consultation Workplan

### **1. Collaboration with AFN and NCCC:**

The parties are combining their expertise and resources to fulfill the 2025 CHRT 80 workplan requirements. The Caring Society warmly welcomes the recent appointment of Assembly of First Nations of Québec and Labrador Regional Chief Verreault-Paul as the AFN portfolio holder and looks forward to building on our collaboration.

### **2. Capacity Funding:**

Canada advised in its November 4, 2025 update that it will not fund the Caring Society's or AFN's activities in bringing forward the plan required under 2025 CHRT 80. The Caring Society does not agree with Canada's position, as it views these activities as eligible under the Consultation Protocol signed by the parties on March 2, 2018. The Caring Society will include submissions on this matter with its submissions in support of its plan.

### **3. Regional Engagements:**

First Nations and experts nationwide have submitted feedback using the engagement guide. The care, wisdom and dedication shown by First Nations leaders, Elders, youth and specialists—despite no funding or support from Canada—has been truly remarkable. Their extraordinary efforts demonstrate the love they have for their children and that national engagements are possible and necessary on vital matters relating to justice and reconciliation.

Consistent with the direction of First Nations Leadership, these regional engagements have included First Nations that are not members of the Assembly of First Nations.

### **4. Caring Society Engagement with Interested Party Applicants:**

On October 24, 2025, the Caring Society hosted a session with legal counsel and clients from the interested party applicants to provide an update on the regional consultations.

## **5. Official Languages and Accessibility:**

Engagement materials were provided in both English and French, and offered in several formats (online, fillable PDF, fillable Word) to accommodate diverse internet access among First Nations. French-speaking First Nations have also contributed submissions.

## **6. Distribution of Engagement Materials:**

The National Children's Chiefs Commission (Leadership and Technicians) and the First Nations Child and Family Caring Society distributed materials via QR codes, handouts, presentations, and briefing notes.

## **7. Engagement Support Tools:**

The Caring Society joined a National Children's Chiefs Commission webinar on October 24, 2025, answering questions about the engagement materials. Over 200 people attended, with simultaneous translation available. Short videos were prepared to help clarify specific themes and suggest relevant resources.

## **8. National Engagement Results Roll Up and Analysis:**

In partnership with the National Children's Chiefs Commission, the Caring Society is working with a research scholar from a major university to design and implement a data analysis methodology that reflects best practices and achieves the aims set out in 2025 CHRT 80. This project will be jointly overseen by First Nations representatives, including from the NCCC and Caring Society, with relevant research expertise.

## Timeline Update

Date	Milestone	Status
2025-10-01	Engagement materials completed in both English and French.	Complete
2025-10-01 – 2025-11-15	Engagements conducted with First Nations leadership, regional experts, and interested parties.	Complete
2025-11-15	Analysis of national engagement results begins, along with information sessions on how the materials will shape the plan and remedies.	In Progress
2025-12-22	Final plan including remedies to be submitted to CHRT.	Upcoming

## Regional Forums

- Due to insufficient funding, regions supported engagement sessions through existing meetings and online platforms.
- Since the last CHRT report, the Caring Society has participated in 11 sessions (five in person, six virtual).

## National Conference Presentations

- 2025-11-04: Child and family service experts attended an engagement session at the Our Children; Our Way National Conference in Squamish Nation, Musqueam, Tsleil-Waututh Nation territory (Vancouver, BC).
- 2025-11-04: First Nations Leadership engagement session at Our Children; Our Way National Conference in the same location.
- 2025-11-04: The National Children's Chiefs' Commission presented a plenary panel on its role in national engagement at the conference.
- 2025-12-04 to 2025-12-06 (forthcoming): At the AFN Special Chiefs Assembly, there will be an information table about the engagement process, which will feature bilingual resources. A dialogue session has also been confirmed.

## Youth Consultations

- Regions were asked to incorporate youth, especially those with lived experience in and from care, into regional consultations.
- An Indigenous youth organization has been supported to roll up relevant feedback and recommendations from young people and to prepare a youth friendly approach to future engagements.

## Expert Advisory Committee Update

- The Caring Society was notified that ISC will pay outstanding invoices to the EAC and set up a meeting on December 8, 2025.
- Canada has advised the Caring Society that it views the EAC role as restricted to overseeing a third-party evaluation of ISC versus providing advice on ISC programs. The Caring Society disagrees and cannot understand why ISC would not welcome the EAC's expert advice to address ISC's discriminatory conduct and prevent recurrence in its design, delivery and evaluation of First Nations child and family services and Jordan's Principle.

## Provincial/Territorial Agreements

- The Caring Society has received from Canada the requested provincial and territorial agreements on child and family services and has shared those with the National Children's Chiefs' Commission to inform the regional engagements.

## Process Following the Submission of the Plans Required Under 2025 CHRT 80

- Important work to prepare for this vital part of the proceedings is underway and the Caring Society will present its position, informed by the regional engagements and collaboration with AFN and the National Children's Chiefs Commission, to the Tribunal.

## Summary

The Caring Society, alongside the National Children's Chiefs Commission (NCCC), has moved forward with the 2025 CHRT 80 workplan by engaging First Nations leaders and experts throughout Canada.

Despite limited funding, participants have devoted substantial effort and expertise. Distribution of engagement materials has occurred through various channels, including QR codes and presentations. A national webinar with over 200 attendees included facilitated Q&A with simultaneous translation. A scholar is assisting with data analysis under the direction of the Caring Society and NCCC.

Major milestones include completion of engagement materials by October 1, 2025, closing of engagements on November 15, 2025, and ongoing analysis leading to the final plan submission by December 22, 2025. Regional forums were organized autonomously due to budget limitations, with the Caring Society participating in 11 sessions since the previous report.

This is **Exhibit “H”** to the  
Affidavit of Summer Dulai  
affirmed on February 2, 2026

A handwritten signature in black ink, appearing to read "Jenna Rogers", is written over a horizontal line.

*A Commissioner for taking Affidavits*

In accordance with O. Reg. 431/20,  
Administering Oath or Declaration Remotely  
Jenna Rogers LSO #92960F

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December 22, 2025

**Peter Mantas**

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Canadian Human Rights Tribunal  
 240 Sparks Street, 6th Floor West  
 Ottawa, ON K1A 1J4  
*Attn: Judy Dubois, Registrar*

Dear Registrar and Tribunal:

***Re: First Nations Child and Family Caring Society of Canada, Assembly of First Nations v. Attorney General of Canada, et al. - Tribunal File: T1340/7008***

On January 7, 2025, the National Chief of the Assembly of First Nations (“AFN”) Cindy Woodhouse Nepinak stated:

The well-being of First Nations children and families remains our top priority, and we will continue to advocate for fair and equitable supports to ensure our children thrive, wherever they live.<sup>1</sup>

This statement by the National Chief encapsulates the position of the AFN. As one of the Complainants in this proceeding, which started almost two decades ago, it has remained steadfast in its efforts to advocate for fair and equitable support to remedy the racial and ethnic discrimination against First Nations children, which is at the heart of this matter.

This proceeding was commenced by the AFN and its co-complainant the First Nations Child and Family Caring Society of Canada (“Caring Society”). Since then, these two parties have worked together to advance this complaint. While they have not always agreed on each and everything in this proceeding, they stand, and have always stood, together on the core issues.

The passage of time has not weakened the resolve of the Complainants in advancing this case. To the contrary, they have grown increasingly impatient with the response of the Attorney General of Canada (“Canada”) towards reform of the discrimination found by this Tribunal some ten years ago. Reflecting this impatience, the First Nations-in-Assembly in 2024 and 2025 created and mandated a new organisation, the National Children’s Chiefs Commission (“NCCC”), to assist

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<sup>1</sup> “National Chief Cindy Woodhouse Nepinak Responds to Canada’s Decision on the Long-Term Reform of First Nations Child Welfare” (January 7, 2025): <https://afn.ca/all-news/press-releases/national-chief-cindy-woodhouse-nepinak-responds-to-canadas-decision-on-the-long-term-reform-of-first-nations-child-welfare/>

the Complainants with advancing this matter.

The NCCC's role and relationship to the AFN is explained in the attached letter of Andrew Bisson, the AFN's Chief Executive Officer. The NCCC adds further weight to the work being done to expeditiously move this case forward. It does not, and cannot, displace the AFN as a Complainant and party in this proceeding. The NCCC has recently sought interested party status. The AFN will make responding submissions at the appropriate time in this regard.

On August 20, 2025, in decision 2025 CHRT 80, the Tribunal also expressed its concern with the delay in this case. It stated:

We are now in August 2025, and it is time for swift action.<sup>2</sup>

This delay is very concerning and informs the Tribunal on the proceedings moving forward. Five months from now, it will be the tenth anniversary of the Tribunal's decision on the merits.<sup>3</sup>

...it is now time to proceed towards completion on FNCFS long-term reform...<sup>4</sup>

In its decision, the Tribunal set out a path towards completion of National First Nations child and family services ("FNCFS") long-term reform outside Ontario ("National Plan"). That path contemplated a hearing in 2025.<sup>5</sup>

The Tribunal ordered the Complainants to develop a National Plan and provided that Canada could decide to join that process. In the absence of participation from Canada, each side (Complainants and Canada) would file their own, separate, National Plans.

The parties have not agreed to a single National Plan. Therefore, each side must file a separate National Plan.

In accordance with the Order of the Tribunal,<sup>6</sup> the Complainants have consulted with numerous stakeholders, including the NCCC, to develop an evidence based, comprehensive, First Nations led National Plan ("First Nations Plan"). That plan, which is presented in the affidavit of Dr. Cindy Blackstock, is voluminous, comprehensive, and informed by many First Nations' voices across Canada.

The First Nations Plan is being filed before the CHRT by the Caring Society on behalf of and with the support of the AFN.

In addition to what is found in the First Nations Plan, the AFN highlights that it has served and

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<sup>2</sup> 2025 CHRT 80, para. 85.

<sup>3</sup> Ibid., paras. 95, 96.

<sup>4</sup> Ibid., para. 97.

<sup>5</sup> Ibid., para. 127.

<sup>6</sup> Ibid., para 120.

will continue to serve a central role in this case and the work towards FNCFS reform. Nothing in the First Nations Plan should be interpreted otherwise.

Furthermore, the AFN wishes to make it clear that it supports a region-by-region approach to long term reform and acknowledges that individual regions may concurrently or in the future agree to different and better plans as they see fit. The First Nations Plan acknowledges and contemplates regional solutions.

However, the AFN will oppose any attempts by Canada to delay this process on the basis that it is seeking regional agreements. As stated above, it is now time for “swift action.” There is no good reason why this Tribunal should not continue the push towards a national plan, while acknowledging that individual regions may concurrently or in the future agree to a different and better plan as they see fit. As stated by this Tribunal, the parties and stakeholders: “Canada can agree to negotiate or not however, one thing that Canada cannot do is simply wait and let time go by.”<sup>7</sup> Or, to evoke the Tribunal’s words at an earlier stage of this proceeding, when Canada attempted to delay immediate relief due to its desire to consult First Nations across the country, “[i]t is not one or the other; it is one plus the other.”<sup>8</sup>

In filing the First Nations Plan, the Complainants are mindful that the Tribunal Order leading to this plan is specifically made pursuant to “the dialogic approach.”<sup>9</sup> The Complainants’ view is that it is consistent with the dialogic approach for the Complainants and Canada to have the opportunity to revise their own plans after having received and reviewed the other’s. Indeed, it would be contrary to the dialogic approach if both sides did not consider the plan filed by the other, and then deliver their final plan, revised as necessary. For this reason, this version of the First Nations Plan is filed under reserve and with the expectation that a further and final version will be filed in short order in full contemplation of revisions in light of the measures proposed in Canada’s plan. It is with this expectation that the AFN has supported in principle the First Nations Plan filed at this time.

The Complainants are committed to genuinely and fairly reviewing and considering the submissions of Canada, and hope Canada will do likewise. They look forward to an opportunity to confer with Canada to discuss the filed plans in good faith. This is, in their respectful submission, required under the dialogic approach. Although the Complainants believe it is unlikely that a single plan will emerge following this review, they remain hopeful that there may be common ground between the two plans that will narrow the issues and facts in dispute, and improve the final submissions that are made by both sides to the Tribunal.

However, this necessary review of each side’s plan should not, and cannot be allowed to trigger undue delay. As stated by the Tribunal, the dialogic approach cannot be “a means to stagnate long-term reform.”<sup>10</sup>

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<sup>7</sup> Ibid., para. 107.

<sup>8</sup> 2018 CRHT 4 at para 66.

<sup>9</sup> Ibid., para. 118 and paras. 65-68.

<sup>10</sup> Ibid., para. 68.

Accordingly, the Complainants<sup>11</sup> request that this Tribunal convene a case management conference in January 2026 to establish a timetable for next steps. At that case management conference, the Complainants will propose a timetable that permits each side a fair opportunity to consider the competing plans filed on this day, to file a further revised plan with supporting evidence (should they so wish), to establish deadlines leading to a hearing, and possibly a decision, in 2026.

In the interest of maintaining momentum, the Complainants set out the next steps to be completed in 2026 (the substance of which was shared with Canada on December 14, 2025), with due dates to be set at the case management conference:

1. Parties to file responding evidence (including a revised plan, if any) in response to the other side's plan filed on December 22, 2025;
2. Cross-examinations on the affidavits;
3. Written submissions in support of party's own plan;
4. Responding written submissions;
5. Reply written submissions, if any;
6. Hearing.

We thank the Tribunal for their ongoing attention to this matter.

Yours truly,

**FASKEN MARTINEAU DUMOULIN LLP**



Peter Mantas

*Enclosure: Letter of Andrew Bisson dated December 22, 2025*

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<sup>11</sup> This request is made jointly and with the consent of the Caring Society.

*Cc:*

*David Taylor, Sarah Clarke, and Robin McLeod – Counsel for the First Nations Child and Family Caring Society of Canada*

*Dayna Anderson, Paul Vickery, Kevin Statska, Sarah Bird, Sarah-Dawn Norris and Alicia Dueck-Read – Counsel for Canada*

*Maggie Wente, Sinéad Dearman, Jenna Rogers, Jessie Stirling-Voss, Ashley Ash, and Katelyn Johnstone – Counsel for the Chiefs of Ontario*

*Julian Falconer and Meaghan Daniel – Counsel for the Nishnawbe Aski Nation*

*Spencer Bass – Counsel for the Taykwa Tagamou Nation and Chippewas of Georgina Island*

*Anshumala Juyal and Khizer Pervez – Counsel for the Canadian Human Rights Commission*

*Justin Safayeni and Stephen Aylward – Counsel for Amnesty International*

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December 22, 2025

Canadian Human Rights Tribunal  
 240 Sparks Street, 6th Floor West  
 Ottawa, ON K1A 1J4

Dear Members Marchildon and Lustig:

I am writing to provide clarity on the relationship between the Assembly of First Nations (AFN) and the National Children's Chiefs Commission (NCCC) as requested by the Tribunal.

The NCCC was established by First Nations-in-Assembly at the 2024 Special Chiefs Assembly after First Nations voted to reject the negotiated Draft Agreement on Reform of First Nations Child and Family Services. The First Nations-in-Assembly mandated the NCCC to conduct, amongst other things, engagement with First Nations on FNCFS reform by way of Resolutions passed by the Assembly in 2024 and 2025.

The NCCC is made up of First Nations Chiefs and technicians. It operates pursuant to Terms of Reference approved by resolution at the AFN's September 2025 Annual General Assembly. Through those Terms of Reference, the NCCC ultimately reports to the First Nations-in-Assembly.

The NCCC conducted regional engagement with First Nations leadership and FNCFS experts pursuant to the mandate it was given by First Nations-in-Assembly to collect information. This work informed the National Plan submitted on December 22, 2025, as ordered by the Tribunal in 2025 CHRT 80.

The AFN provides support to the NCCC in fulfilling their mandate provided by the First Nations-in-Assembly, where requested.

...1/2

I hope this provides the Tribunal with the clarity it sought on this matter. Please do not hesitate to contact Peter Mantas, legal counsel to the AFN, at [pmantas@fasken.com](mailto:pmantas@fasken.com), should you have any further questions.

Sincerely,

*Andrew Bisson*

Andrew Bisson  
Chief Executive Officer, Assembly of First Nations



This is **Exhibit “I”** to the  
Affidavit of Summer Dulai  
affirmed on February 2, 2026

A handwritten signature in black ink, appearing to read "Jenna Rogers", is written over a horizontal line.

*A Commissioner for taking Affidavits*

In accordance with O. Reg. 431/20,  
Administering Oath or Declaration Remotely  
Jenna Rogers LSO #92960F

[< Back to All News](#)

# Update: Now available – Loving Justice National Plan & Dr. C. Blackstock Affidavit

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## STANDING TOGETHER FOR A BETTER FUTURE

### UPDATE – IMMEDIATE RELEASE

*Vancouver, BC, December 22, 2025 – 02:10 PM PST*— The [Loving Justice Plan: First Nations Child and Family Services \(Outside Ontario\) was filed pursuant to 2025 CHRT 80](#) and the [Affidavit of \(Dr.\) C. Blackstock \(without exhibits\)](#) are now publicly available. Click the links to download the documents.

The ["Loving Justice – Plan to End Canada's Discrimination" presentation](#) is available on the OCOW website, and video recordings are available on the [Our Children Our Way YouTube Channel](#) in [English](#) and [French](#).

# The Loving Justice Plan: First Nations Child and Family Services (Outside Ontario)

*Filed pursuant to 2025 CHRT 80*

December 22, 2025

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 Koselomulpon  Tshi huenemetin  K  
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 Siipinuu  
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From the Loving Justice Plan

2. Introduction – Page 8

The Loving Justice Plan is organized according to the engagement themes outlined in the National Engagement Guide, namely: 1) purpose, principles and definitions, 2) governance, 3) enforcement and durability, 4) funding commitments and arrangements, 5) accountability, 6) regional variations, 7) reform of Indigenous Services Canada, 8) research and outcome data, and 9) transitions and readiness. These themes were identified based on the direction of First Nations Rights Holders, Tribunal orders, and the best available evidence dating back nearly 30 years.

The content of each theme is informed by the wisdom of First Nations Elders and Knowledge Keepers, youth, and First Nations child and family service experts who participated in the 105 engagement sessions held across Canada pursuant to 2025 CHRT 80. Sixty-four of the submissions were for groups – of up to 91 participants. The National Children’s Chiefs Commission and the First Nations Child and Family Caring Society engaged with First Nations leaders and Rights Holders, Elders, youth and First Nations Child and Family Service (FNCFS) experts to gather their perspectives on the components of this Plan. The “What We Heard” sections that follow provide summaries and illustrative quotations of the feedback shared during those engagements. 051

Their collective wisdom is critical to enabling regional variations to meet local needs, while building upon a national approach to long-term reform that sets fundamental minimum human rights standards and accountability mechanisms to permanently stop Canada’s discrimination in First Nations child and family services.

These reforms, in tandem with regional variations to reflect distinct cultures, languages and realities, will apply to First Nations child and family services excepting First Nations consenting to the application of the Ontario Final Settlement Agreement or its successors. Many First Nations that have affirmed, or are seeking to affirm, their own jurisdiction in child and family services in whole or in part are entitled to the benefits of these reforms as a minimum standard which ought to be upwardly adjusted to reflect the requirements of the respective First Nations law(s).

While recognizing the scope of the complaint, we urge Canada to take measures over and above those contemplated by this plan to extend these reforms and support substantively equitable and culturally appropriate First Nations Child & Family Services to all First Nations children wherever they reside, including off-reserve and in the Northwest Territories.

Throughout its process, the Loving Justice Plan demonstrates the love that First Nations have for their children, youth and families. There was no funding for this process, yet First Nations governments and their experts joined with the National Children’s Chiefs Commission and the Co-Complainants (the Caring Society and the Assembly of First Nations) to ensure the voices of Rights Holders are respected and the rights of their children, youth and families are upheld.



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#### **Loving Justice National Plan to End Canada’s Discrimination in First Nations Child and Family Services**

*Vancouver, BC, December 22, 2025 – 11:00 AM PST*—The [National Children’s Chiefs Commission](#) (NCCC) stands with the [Assembly of First Nations](#) (AFN) in supporting the [First Nations Child & Family Caring Society](#)’s submission of the Loving Justice National Plan to end Canada’s discrimination in First Nations Child and Family Services, filed today with the [Canadian Human Rights Tribunal](#) (CHRT).

Upon filing the Loving Justice Plan to permanently end Canada’s discrimination in First Nations Child and Family Services, Caring Society Executive Director, Cindy Blackstock stated:



*“This Loving Justice plan represents the collective wisdom of many. It was blessed at a Solstice Ceremony on the traditional territory of the T’Kemlúps te Secwépemc and is wrapped in messages of love in First Nations languages.*

*This plan is full of evidence-based solutions to fix Canada’s discrimination once and for all—because when the children win, we all win.”*

This National Plan represents decades of First Nations-led work dating back to the 1990s, when research first documented systemic discrimination in Canada’s funding and delivery of First Nations child and family services and identified clear, evidence-based solutions. Had Canada acted on those solutions when they were first presented, the profound harms suffered by First Nations children and families could have been prevented, and Canada would not now be paying \$23 billion in compensation for the damage caused by its failure to act.



*"This National Plan reflects decades of First Nations-led research, lived experience, and expert advice that clearly identified both the discrimination and the solutions. These are not new ideas. They are well-documented, evidence-based, and rooted in the voices of First Nations children, families, and leaders.*

*The failure to act on them earlier caused profound harm that was entirely preventable," says Chief Pauline Frost, Chair of the National Children's Chiefs Commission.*

The National Plan is firmly grounded in:

- the extensive body of research and evidence accumulated over decades;
- the binding legal orders of the Canadian Human Rights Tribunal;
- the expertise of First Nations Child and Family Services professionals; and
- the voices of First Nations leaders and rights holders from across the country.

This Plan establishes minimum national standards for long-term reform that align with the principle of substantive equality, while preserving space for First Nations to negotiate regional variations that go beyond these standards to reflect their distinct needs, priorities, and circumstances.

*"The National Plan establishes the minimum standards required to achieve substantive equality for First Nations children and families. It also respects regional diversity by creating space for First Nations to go beyond those standards to meet their own needs. This balance is essential to meaningful, long-term reform," says Regional Chief Francis Verreault-Paul, AFN portfolio holder for Child & Family Services.*

The National Children's Chiefs Commission, working collaboratively with the Caring Society—and without any support from Canada—engaged extensively with First Nations leaders, rights holders, and subject-matter experts nationwide to ensure this Plan reflects First Nations expertise, lived experience, and diverse perspectives.

*"While First Nations have put forward a comprehensive, evidence-based Loving Justice Plan grounded in legal orders and lived realities, Canada has chosen not to work with us to co-develop a path forward. At the same time that Canada is submitting its own plan, it is also seeking judicial review of the very decision that required these plans to be filed today. That contradiction raises serious concerns about Canada's commitment to ending discrimination," says Deb Foxcroft, Co-Chair of the National Children's Chiefs Commission.*

The National Children's Chiefs Commission and the Assembly of First Nations affirms their full support for the National Plan submitted today and call on Canada to uphold its legal obligations, respect First Nations leadership, and implement reforms that finally end discrimination against First Nations children and families.

-30-

Media Contacts:

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- Deb Foxcroft, Co-Chair, National Children's Chiefs Commission, [debfoxcroft@gmail.com](mailto:debfoxcroft@gmail.com)
- Francis Verreault-Paul, Regional Chief, AFN Portfolio Holder for FNCFS, [cabinet@apnql.com](mailto:cabinet@apnql.com)

\*\*\*\*\*

POUR DIFFUSION IMMÉDIATE

Plan national « Loving Justice » pour mettre fin à la discrimination du Canada dans les services à l'enfance et à la famille des Premières Nations

Lors du dépôt du Plan «Loving Justice» pour mettre fin définitivement à la discrimination du Canada dans les services à l'enfance et à la famille des Premières Nations, la directrice générale de la Société de soutien, Cindy Blackstock, a déclaré :

*«Ce plan Loving Justice représente la sagesse collective de nombreuses personnes. Il a été bénit lors d'une cérémonie du solstice sur le territoire traditionnel des T'Kemlúps te Secwépemc et est enveloppé de messages d'amour dans les langues des Premières Nations. Ce plan regorge de solutions fondées sur des données probantes pour corriger la discrimination du Canada une fois pour toutes — car lorsque les enfants gagnent, nous gagnons tous.»*

Ce Plan national est l'aboutissement de décennies de travail dirigé par les Premières Nations, remontant aux années 1990, lorsque des recherches ont pour la première fois documenté la discrimination systémique dans le financement et la prestation des services à l'enfance et à la famille des Premières Nations au Canada, et identifié des solutions claires et fondées sur des preuves. Si le Canada avait agi à l'époque, les préjugés profonds subis par les enfants et les familles des Premières Nations auraient pu être évités, et le pays ne paierait pas aujourd'hui

23 milliards de dollars en compensation pour les dommages causés par son inaction.

*«Ce Plan national reflète des décennies de recherches menées par les Premières Nations, d'expériences vécues et de conseils d'experts qui ont clairement identifié à la fois la discrimination et les solutions. Ce ne sont pas de nouvelles idées. Elles sont bien documentées, fondées sur des preuves et enracinées dans les voix des enfants, des familles et des dirigeants des Premières Nations. Le fait de ne pas avoir agi plus tôt a causé des préjugés profonds qui étaient entièrement évitables», déclare la cheffe Pauline Frost, présidente de la Commission nationale des chefs pour les enfants.*

Le Plan national repose solidement sur :

- un vaste corpus de recherches et de preuves accumulées au fil des décennies ;
- les ordonnances juridiques contraignantes du Tribunal canadien des droits de la personne ;
- l'expertise des professionnels des services à l'enfance et à la famille des Premières Nations ;
- les voix des dirigeants et des titulaires de droits des Premières Nations à travers le pays.

Ce Plan établit des normes nationales minimales pour une réforme à long terme conforme au principe d'égalité réelle, tout en laissant aux Premières Nations la possibilité de négocier des variations régionales allant au-delà de ces normes pour refléter leurs besoins, priorités et circonstances distincts.

*«Le Plan national établit les normes minimales nécessaires pour atteindre l'égalité réelle pour les enfants et les familles des Premières Nations. Il respecte également la diversité régionale en créant un espace permettant aux Premières Nations d'aller au-delà de ces normes pour répondre à leurs propres besoins. Cet équilibre est essentiel pour une réforme significative et durable», affirme le chef régional Francis Verreault-Paul, porteur du dossier des Services à l'enfance et à la famille à l'APN.*

La Commission nationale des chefs pour les enfants en collaboration avec la Société de soutien — et sans aucun appui du Canada — a mené de vastes consultations auprès des dirigeants des Premières Nations, des titulaires de droits et des experts à travers le pays afin de s'assurer que ce Plan reflète l'expertise, l'expérience vécue et la diversité des perspectives des Premières Nations.

*«Alors que les Premières Nations ont présenté un Plan «Loving Justice» complet et fondé sur des preuves, enraciné dans des ordonnances juridiques et des réalités vécues, le Canada a choisi de ne pas travailler avec nous pour co-développer une voie à suivre. Au même moment où le Canada soumet son propre plan, il cherche également à obtenir un contrôle judiciaire de la décision même qui exigeait le dépôt de ces plans aujourd'hui. Cette contradiction soulève de sérieuses préoccupations quant à l'engagement du Canada à mettre fin à la discrimination», déclare Deb Foxcroft, coprésidente de la Commission nationale des chefs pour les enfants.*

La Commission nationale des chefs pour les enfants et l'Assemblée des Premières Nations réaffirment leur plein soutien au Plan national déposé aujourd'hui et appellent le Canada à respecter ses obligations légales, à reconnaître le leadership des Premières Nations et à mettre en œuvre des réformes qui mettent enfin fin à la discrimination envers les enfants et les familles des Premières Nations.

- Dr Cindy Blackstock, Directrice générale, Société de soutien, [info@fncaringsociety.com](mailto:info@fncaringsociety.com) t: 613-230-5885
- Deb Foxcroft, Coprésidente, Commission nationale des chefs pour les enfants, [debfoxcroft@gmail.com](mailto:debfoxcroft@gmail.com)
- Francis Verreault-Paul, Chef régional, porteur du dossier à l'APN pour le SEFPN, [cabinet@apnql.com](mailto:cabinet@apnql.com)

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*National Children's Chiefs Commission is hosted by: [ICFSD.ourchildrenourway.ca/](http://ICFSD.ourchildrenourway.ca/)*

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### **Indigenous Child and Family Services Directors Our Children Our Way Society**

The Indigenous Child and Family Services Directors Our Children Our Way Society represents the 25 Indigenous Child and Family Service Agencies in British Columbia. For decades, we have been advocating for the resumption of support and care for our children and youth.

[Who We Are](#)

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### **Contact**

Secretariat@OurChildrenOurWay.ca  
Send us a message from [our contact page](#).

Squamish Nation Territory  
#200-100 Park Royal S.  
West Vancouver, BC V7T 1A2

### **Our Partners**



Indigenous Services  
Canada



Ministry of  
Children and Family  
Development



This is **Exhibit “J”** to the  
Affidavit of Summer Dulai  
affirmed on February 2, 2026

A handwritten signature in black ink, appearing to read "Jenna Rogers", is written over a horizontal line.

*A Commissioner for taking Affidavits*

In accordance with O. Reg. 431/20,  
Administering Oath or Declaration Remotely  
Jenna Rogers LSO #92960F



## T1340/7008: FNCFCSC et al v AGC - Caring Society January Report

**From** David Taylor <DTaylor@conwaylitigation.ca>

**Date** Thu 1/29/2026 4:27 PM

**To** CHRT Registry Office <Registry.Office@chrt-tcdp.gc.ca>; Dubois, Judy <judy.dubois@tribunal.gc.ca>

**Cc** Sarah Clarke <sarah@childandfamilylaw.ca>; Peter Mantas <pmantas@fasken.com>; gcyr@fasken.com <gcyr@fasken.com>; 'tsun@fasken.com' <tsun@fasken.com>; Clive Ngan <cngan@fasken.com>; 'Anshumala.Juyal@chrc-ccdp.gc.ca' <Anshumala.Juyal@chrc-ccdp.gc.ca>; khizer.pervez@chrc-ccdp.gc.ca <khizer.pervez@chrc-ccdp.gc.ca>; 'Vickery, Paul' <Paul.Vickery@justice.gc.ca>; 'Norris, Sarah-Dawn' <Sarah-Dawn.Norris@Justice.gc.ca>; 'Jones, Meg' <Meg.Jones@justice.gc.ca>; 'Anderson, Dayna (she; her | elle; Ia)' <Dayna.Anderson@justice.gc.ca>; 'Staska, Kevin' <Kevin.Staska@justice.gc.ca>; Bird, Sarah (she her elle Ia) <Sarah.Bird@justice.gc.ca>; Khan, Jon <Jon.Khan@justice.gc.ca>; Dueck-Read, Alicia (she her elle Ia) <Alicia.Dueck-Read@justice.gc.ca>; Aman.Owais@justice.gc.ca <Aman.Owais@justice.gc.ca>; Maggie Wente <MWente@oktlaw.com>; Benjamin Brookwell <bbrookwell@oktlaw.com>; Sinéad Dearman <SDearman@oktlaw.com>; Katelyn Johnstone <kjohnstone@oktlaw.com>

📎 1 attachment (71 KB)

Caring Society January 2026 CHRT Report.pdf;

Good afternoon Ms. Dubois,

Please find attached the Caring Society's report on activities pursuant to 2025 CHRT 80 for January.

Best regards,

David Taylor

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**David Taylor**

Associé | Partner

613.691.0368

[View Bio](#)

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Conway Baxter Wilson LLP/s.r.l.

# Caring Society Report to the Canadian Human Rights Tribunal

on the Implementation of 2025 CHRT 80

**Date: 2026-01-29**

The Caring Society is pleased to provide the Panel with this update pursuant to 2025 CHRT 80. This report covers activities from December 22, 2025, to January 29, 2026.

## 1. Loving Justice Plan Filing and Follow-Up

Named in honour of the late Elder Elmer Courchene, the Loving Justice plan was officially submitted to the Canadian Human Rights Tribunal on December 22, 2025, in accordance with the directions provided in 2025 CHRT 80. This submission aligns with First Nations teachings and is imbued with a message intended for all generations of First Nations children. Central to the plan is the phrase “We Love You,” which has been translated into First Nations languages as a lasting affirmation for both the current generation of children and those yet to come. This phrase serves as a powerful reminder of the inherent responsibility and commitment that all adults share in respecting and caring for every child. Elders and Knowledge Keepers met over the holiday break and continue to guide the spiritual path of Loving Justice.

## 2. Dissemination of Loving Justice and Canada’s Plan

The Loving Justice Plan and Canada’s Plan are both posted on [fnwitness.ca](http://fnwitness.ca). The Caring Society, together with the NCCC, undertook efforts over the holidays to distribute both plans to First Nations governments and their experts. Additional distribution efforts will be made, recognizing the reduced working hours during the holiday season.

## 3. Official Languages Translation of Loving Justice

In addition, a French translation of Loving Justice has been completed, ensuring broader access and inclusivity for all First Nations and stakeholders. This step supports the objective of maximizing the plan's reach and impact throughout diverse communities. The French translation can be accessed here:

[https://fncaulingsociety.com/sites/default/files/2026-01/2025CHRT2080%20Loving%20Justice%20Plan\\_2025\\_12\\_22\\_FR.pdf](https://fncaulingsociety.com/sites/default/files/2026-01/2025CHRT2080%20Loving%20Justice%20Plan_2025_12_22_FR.pdf)

## 4. Analysis of Canada's Plan

The Caring Society has been collaborating with the National Children's Chiefs Commission and the Assembly of First Nations to analyze Canada's plan. One of the goals of this analysis is to identify areas of commonality that may limit the number of issues requiring further litigation.