

March 6, 2026

VIA EMAIL Registry.Office@chrt-tcdp.gc.ca

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*
OUR MATTER ID: 5204-002

I write with regard to next steps in implementing the Tribunal's orders in 2025 CHRT 6 regarding interim relief related to Canada's implementation of Jordan's Principle. As the Tribunal directed in its summary of the July 25, 2025 Case Management Conference, the draft orders circulated on July 24, 2025, which were provided for information purposes only on behalf of the Caring Society, were disregarded, and the Tribunal would "revisit this matter following the conclusion of the Tribunal mediation sessions, at which point the parties' views will be sought."

As the Tribunal has noted in its recent rulings (2025 CHRT 80 at paras 87 and 93; 2026 CHRT 14 at para 150), the dialogic approach has not had its intended effect. Despite Tribunal-assisted mediation and subsequent efforts with a separate mediator, the parties have not been able to reach a consent-based resolution to the items on which further work was directed in 2025 CHRT 6. Tribunal-assisted mediation concluded in August of 2025 and further discussions ended in October of 2025. No discussions have taken place since that time.

The impacts of Canada's broad non-compliance with 2025 CHRT 6 and other Jordan's Principle orders on First Nations children are deeply concerning. In consideration of the level of resources the Tribunal dedicated to considering Canada's motion related to the Ontario Final Agreement, the Caring Society opted to wait to seek further directions on 2025 CHRT 6 until the conclusions of oral arguments on the OFA.

The Caring Society now seeks to address next steps related to 2025 CHRT 6 at the next case management conference in this matter, to be scheduled for some time after March 16, 2026, as the Tribunal directed on March 3, 2026.

Specifically, the Caring Society wishes to address the process for completing the Tribunal's orders related to the following topics:

1. Definition of urgent circumstances under Jordan's Principle;
2. Immediate resolution of the backlog of Jordan's Principle claims within Indigenous Services Canada, including those at various stages of reconsideration and appeals. The Caring Society understands that the backlog stood at approximately 130,000 requests as of December 2025, a marked increase from approximately 80,000 in March 2024;
3. The provision for timely payments to First Nations, First Nations families and service providers; and
4. The establishment of an effective and accessible interim national complaints process.

The Caring Society's position is that, given the persistent and growing backlog, the absence of a demonstrated steady state for determining Jordan's Principle requests, the continued increase in Jordan's Principle requests, and the ongoing lack of effective coordination of federal programs by Canada, this is not an appropriate time for further determination of the relief sought by Canada concerning the timelines for determinations or the point at which the determination clock begins to run.

Additional issues arising since 2025 CHRT 6

The Caring Society also wishes to seek direction on the process for addressing additional concerns that have arisen since the Tribunal's ruling in 2025 CHRT 6 given the adverse impact each is having on First Nations children, families and communities, including by undermining the effectiveness of the Tribunal's previous orders:

5. The Operational Bulletin issued on February 10, 2025, together with Canada's removal of its previously published definition of substantive equality and materials explaining that concept from publicly accessible Indigenous Services Canada webpages, has reversed the presumption of substantive equality endorsed in the Tribunal's orders. These actions have resulted in numerous services being denied on the basis that they are purportedly provincial or territorial responsibilities, thereby re-introducing jurisdictional disputes and service delays, denials, and disruptions for First Nations children—harms that Jordan's Principle was expressly intended to eliminate. These unilateral changes are contrary to the Tribunal's order in 2017 CHRT 14 at para 135(3) regarding publicizing the compliant definition and approach to Jordan's Principle (affirmed in 2017 CHRT 35).

6. Impending changes to Indigenous Services Canada's internal appeal process that eliminate independence and remove the involvement of Indigenous and non-Indigenous professional expertise directed by the Tribunal in 2017 CHRT 14, subjecting First Nations children and families to additional delay and administrative confusion when seeking redress for denied requests;
7. Canada's unilateral and non-transparent decision-making in relation to the implementation and operation of Jordan's Principle, contrary to the Consultation Protocol signed in March 2018, which was ordered to ensure that consultation is carried out with the Parties to eliminate the discrimination substantiated in 2016 CHRT 2;
8. The need for direction concerning consultation funding obligations under the Consultation Protocol, including funding for the Caring Society's participation in mediation relating to 2025 CHRT 6, participation in Indigenous Services Canada committees (including the Jordan's Principle Operations Committee and Expert Advisory Committee), from April 1, 2025 to March 31, 2026, and for fiscal year 2026–27; and
9. A need for direction regarding Canada's continued non-compliance with orders pursuant to 2025 CHRT 6 and retrenchment on longstanding orders (including 2017 CHRT 14), including guidance on measures necessary to ensure adherence to Tribunal orders and to prevent further recurrence of discrimination.

If a memorandum addressing the points above would be assistive to the Tribunal in structuring discussions at the forthcoming case management conference, the Caring Society would be pleased to provide same in advance of that appearance.

Should the Tribunal require further information or submissions, please do not hesitate to let us know.

Yours truly and respectfully submitted,



David P. Taylor

DPT/jk

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