

July 30, 2026

Sent via email – Registry.Office@chrt-tcdp.gc.ca

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

Dear Member Marchildon,

Re: First Nations Child and Family Caring Society of Canada et al v. Attorney General of Canada | Tribunal File: T-1340/7008

The Assembly of First Nations, the First Nations Child and Family Caring Society, Chiefs of Ontario and Nishnawbe Aski Nation suggest the following process to address the outstanding issues related to 2025 CHRT 6 and to determine the measures necessary to ensure that Canada complies with its legal obligations pursuant to Jordan's Principle. This proposal seeks to ensure that all parties know the case to be met and have an opportunity to provide evidence and submissions to support their position, while recognizing that at this stage, more than a year and a half has passed since the orders. First Nations children and families require timely justice, as they are the ones who ultimately live the consequences of delays and denials resulting from Canada's discriminatory conduct.

The parties recognize that the Tribunal may, at its discretion, pose its own questions to the parties at any stage of the process it deems appropriate. The parties defer to the Tribunal with respect to the timing, scope, and manner in which any such questions may be raised and addressed.

Step 1 – In order to set the parameters for the remaining steps, within **10 days** of the Tribunal's ruling on the process, Canada shall file (i) its current operational definition of substantive equality; and (ii) a description of the current Jordan's Principle decision-making process from request intake to final determination. For greater clarity, Canada shall disclose the associated policies, directives, bulletins, tools, templates, guidance, training materials and other operational materials necessary to activate and apply its definition of substantive equality and decision-making process currently in use or used since the issuance of 2025 CHRT 6 or otherwise relied upon by Canada to implement its definition of substantive equality and decision-making process.

Step 2 – Parties may direct questions to the other parties related to outstanding issues arising from 2025 CHRT 6 to address issues of non-compliance and necessary measures to secure compliance with 2025 CHRT 6 including but not limited to:

- Urgent request triage, including child welfare risk, basic necessities and domestic violence
- Qualified professional for the purposes of urgent requests
- Determination clock

- Elimination of the backlog
- Coordination between Jordan's Principle and other emergency services
- Non-urgent determination timeline
- Redressing the hardship imposed on individuals and families by reimbursement and payment delays
- complaints procedure
- Referrals with safeguards to First Nations.

These questions are the ones that all parties will need to address in the affidavit evidence of the parties. When submitting questions, parties will identify the party or parties to whom each question is directed. Subject to any questions being ruled out of scope at Step 3, the party or parties to whom a question is directed will address that question in their affidavit evidence or as directed by the Tribunal.

- Questions to be filed **2 weeks** from the date of Canada files its disclosure set out in Step 1.

Step 3 – Any party objecting to questions shared at Step 2 will file a written objection with the Tribunal, supported by its rationale for the objection. Parties will have an opportunity to respond to any objections, then the Tribunal will provide a direction identifying any questions that are out of scope.

- Objections to be filed **1 week** from the date the questions are filed.
- Responses to the objections to be filed **1 week** from the filing of the objections.

Step 4 – Parties to file affidavit(s) addressing the questions shared at Step 2 (subject to any questions being ruled out-of-scope at Step 3). Any responding or reply evidence to be proffered viva voce at the cross-examination hearing in order to streamline and ensure maximum efficiency to the process.

- Affidavits to be file **20 days** from the date of the Tribunal's ruling on the objections.

Step 5 – Cross examinations on affidavits and viva voce reply evidence. The parties suggest setting aside up to 3 days.

- Cross examinations and viva voce reply evidence to take place **2 weeks** from the receipt of the affidavits.
- The parties propose setting aside up to 3 days for cross-examinations and viva voce reply evidence. The parties recognize, however, that 3 days may not ultimately be required and that, if they are, some flexibility may be necessary given the scheduling challenges associated with coordinating all parties' availability. If 2 days are required, the parties propose that those 2 days be scheduled consecutively. If 3 days are required, the parties

propose that at least the first 2 days be scheduled consecutively (and ideally all 3 days), though the third day need not be consecutive if scheduling constraints require otherwise.

- Requests for information arising from the evidence shall be identified during or by the conclusion of the cross-examination hearing and addressed in accordance with Step 5.

Step 6 - Requests for information to be fulfilled.

- The parties will fulfill any requests for information made during the cross-examination hearing **2 weeks** from the last day of the cross-examination hearing.

Step 7 – Written submissions of all parties.

- Written submissions of all parties to be filed **30 days** from the requests for information deadline.

Step 8 - In the event the Tribunal wishes to address this matter in writing only, responding/reply submissions to be exchanged **10 days** following the exchange of written submissions.

In the event the Tribunal wishes to proceed to an oral hearing, any responding/reply submissions would be made during the oral hearing.

- Subject to the Tribunal's availability, oral hearing to proceed **2 weeks** following the exchange of written submissions.

Yours Truly,



Sarah Clarke

cc.

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