

Assembly of First Nations

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ANNUAL GENERAL ASSEMBLY
July 14-15-16, 2026, Ottawa, ON

Resolution no. 24/2026

TITLE: Clarity, Accuracy, and Respect for First Nations in Communications on Long-Term Reform

SUBJECT: Child & Family Services

MOVED BY: Wayne Christian, Proxy, Whispering Pines/Clinton First Nation, BC

SECONDED BY: Chief Eddy Jules, Skeetchestn Indian Band, BC

DECISION Carried by consensus.

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) and the *United Nations Declaration Act* (UNDA) recognize the right of Indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child. The UN Declaration states:
- i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- B. Pursuant to 2025 CHRT 80, the First Nations-led Loving Justice Plan and Canada's National Plan were both submitted to the Tribunal as distinct proposals for adjudication, reflecting different approaches to ending Canada's discrimination in FNCFS outside Ontario.
- C. The Canadian Human Rights Tribunal (CHRT) has retained jurisdiction over long-term reform of First Nations Child & Family Services (FNCFS) outside Ontario and has not yet approved any final national reform framework.

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- D. Following the submission of Canada's National Plan, Canada's public statements and materials on the ISC website have been inconsistent, misleading and incomplete regarding information about the CHRT process, the roles of the other Parties and that all proposed National Plans remain subject to CHRT approval.
- E. First Nations leaders, communities and their experts need timely, clear, comprehensive and accurate information to make decisions about long-term reform of FNCFS (outside Ontario).
- F. Communications regarding long-term reform that are incomplete, unclear, or that overstate decision-making authority risk undermining free, prior, and informed consent for First Nations and public understanding of the Tribunal process.
- G. The Supreme Court has previously held that the Crown cannot adopt an intransigent attitude, change its position to end or delay the performance of its obligations, or attempt to coerce or unilaterally impose an outcome.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to seek the collaboration of the National Children's Chiefs Commission (NCCC) and the First Nations Child and Family Caring Society (Caring Society) to urge Canada to take steps to fully ensure that all communications regarding First Nations Child and Family Services (FNCFS) long-term reform are comprehensive, accurate and uphold Canada's obligations under free, prior and informed consent and Honour of the Crown responsibilities, by;
 - i. Clarifying that any proposed reform plan (including Canada's National Plan) remains subject to CHRT review and approval.
 - ii. Accurately reflecting the respective roles of First Nations, Canada, and other parties involved with the CHRT proceedings.
 - iii. Avoiding statements that imply that any plan is final, fully approved, or implemented prior to Tribunal determination.
2. Direct the AFN to call on NCCC and Caring Society to remind Canada of its duty under the honour of the Crown and reinstate the top-ups to First Nations, and as per 2018 CHRT 4, reimburse actuals without additional administrative burdens on the First Nation Child & Family Services, by:
 - i. Ensuring compliance with the binding orders of the CHRT by administering FNCFS funding in accordance with the principles of actual need, actual cost, and substantive equality.
 - ii. Reviewing and improving the Claims-on-Actuals process by reducing unnecessary administrative requirements, eliminating duplication, providing clear guidance to agencies, and ensuring claims are processed in a timely and transparent manner.
 - iii. Determining operational funding based on each agency's actual operational needs, rather than averaging or formula-based methodologies, recognizing the unique realities of small, remote, and First Nations-led child and family services agencies.
 - iv. Strengthening collaboration with FNCFS agencies through meaningful engagement, timely communication, and administrative practices that support—not hinder—the delivery of services to First Nations children, youth, and families.

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