

May 6th, 2021

Chief «Chief_Name»
«Recipient_Name»
«Chief_email»

On August 7, 2020, the First Nations Child and Family Caring Society (Caring Society) brought a non-compliance motion before the Canadian Human Rights Tribunal. The motion alleged that Indigenous Services Canada failed to implement the Tribunal's 2016 ([2016 CHRT 2](#) and [2016 CHRT 16](#)) and 2018 ([2018 CHRT 4](#)) orders to immediately address the discrimination arising from Canada's First Nations Child and Family Services (FNCFS) program for First Nations children, youth and families receiving child and family services from a federally funded provincial/territorial child welfare service provider (referred to as 'non-agency communities').

In response, Indigenous Services Canada worked with the Caring Society and the Assembly of First Nations to develop an interim funding model that would provide funding, consistent with that provided to delegated First Nations agencies per 2016 CHRT 2 and subsequent orders, to First Nations whose children and families are served by a federally funded provincial or territorial child welfare service provider. This model provides child welfare prevention funding to affected First Nations retroactively to January of 2016 and going forward. The model was agreed to and brought to the Tribunal to resolve the non-compliance motion and avoid further litigation on this issue. The Tribunal issued an order on consent of the parties on March 17, 2021 (2021 CHRT 12), which can be found [here](#).

We are pleased to inform you that «Recipient_Name» is entitled to benefit from this order and is thereby eligible for immediate relief funding. Based upon the per capita formula, «Recipient_Name» will receive «CWJI_Retro_Amount» in retroactive funding. To access these funds, please complete the attached funding access request. If your community does not currently receive CWJI funding and wishes to access these funds, Indigenous Services Canada officials would be happy to assist and support you in the development of such a plan and completing the access request.

Funds must be expended in accordance with the terms and conditions of the CWJI program. The current Terms and Conditions are attached, however are undergoing changes with respect to "ineligible activities". If you are considering activities listed as ineligible, please contact the regional office listed below for further discussion. If you are considering a capital project using this retroactive funding, again please connect with regional staff to discuss as there is additional documentation required.

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In addition to the retroactive amount, there will continue to be annual allocations until the FNCFS program's overall funding methodology is revised to keep with the Canadian Human Rights Tribunal orders. We will be following up with your nation shortly to discuss your annual allocation starting this fiscal year (2021/2022).

Regional Indigenous Services Canada Child and Family Services Advisors will be reaching out to the contact we currently have for the Community Wellbeing Jurisdiction Initiative (CWJI) funding in your community to connect regarding the retroactive funds within the next two weeks. If you have any immediate questions or concerns, please contact Shannon Gander at 604-376-2972 or email aadnc.bccfs.aandc@canada.ca .

The Tribunal has issued a number of decisions as part of the process to remedy the discrimination within the FNCFS Program and will issue further orders to remedy the discrimination in the FNCFS Program and ensure it does not recur. ISC is bound by these decisions and therefore where there are inconsistencies between these terms and conditions and the Canadian Human Rights Tribunal's decisions or decisions by any other Canadian court, the legal decisions prevail.

Sincerely,

A handwritten signature in black ink, appearing to read "Chiara Taylor". The signature is written in a cursive, flowing style.

Chiara Taylor
Director, Child and Family Services Directorate
Indigenous Services Canada, BC Region