AFN Special Chiefs Assembly
December 9-11, 2008 Ottawa, ON

Resolution no. 63/2008

SUBJECT:	IMPLEMENTATION OF JORDAN'S PRINCIPLE
MOVED BY:	Grand Chief Doug Kelly, Proxy, Shxw'ow'hamel First Nation, BC
SECONDED BY:	Chief Daniel Pien, Conseil de la Nation du Lac Simon First Nation, QC
DECISION:	Carried by Consensus

WHEREAS:

A. First Nations children with special needs have not received services comparable to other Canadian children due to jurisdictional conflicts between provincial/territorial and federal governments;

B. Special needs are defined as needs an individual has over and above the basic needs of humans to grow, learn, function, and interact with others and lead a healthy life. In relation to this, complex medical needs are a subset of special needs but do not include all special needs;

C. Jordan's Principle, passed unanimously in Parliament on December 12, 2007, provides "that in the opinion of the House, the government should immediately adopt a child first principle, based on Jordan's Principle, to resolve jurisdictional disputes involving the care of First Nations children.";

D. Since the passing of Jordan's Principle, Health Canada and Indian and Northern Affairs have undertaken some activity to address their shared responsibility. Health Canada has taken the lead role in coordinating efforts between government departments to address the issues related to Jordan's Principle;

E. Jurisdictional disputes between the federal government and the provincial government or a government agency that is responsible for paying for the health care or social services required by a child, should not affect, disrupt, or negatively impact the quality of life of First Nations children.

F. Despite the generality of the Principle passed by Parliament, and against AFN's advice, the federal government has recently chosen to interpret Jordan's Principle as only applying to First Nations children:

   a. Living on-reserve: those children who live off reserve or move off reserve to access services are considered ineligible;

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b. With multiple disabilities: The government has redefined the scope of Jordan's Principle from "special needs and complex medical needs" to "multiple disabilities" and has chosen a case-by-case method for assessing the need for services ren under Jordan's Principle;

G. The federal government's interpretation of Jordan's Principle will have significant impacts as a large number of First Nations children may no longer qualify and receive services they desperately require. Jordan's Principle was intended to serve First Nations children with special needs and complex medical needs' and

H. Activities undertaken nationally as well as regionally have not respectfully included First Nations, and communication between regions is ineffective.

THEREFORE BE IT RESOLVED that:

1. The Chiefs-in-Assembly direct the Assembly of First Nations to communicate to the federal government that the current interpretation of Jordan's Principle does not reflect the intent of the House, and that Jordan's Principle must include all First Nations children and youth, without discrimination based on geography, and without discrimination based on severity or concurrent needs .

2. The Chiefs-in-Assembly direct the Assembly of First Nations to strongly advocate for First Nations representation in all national and regional level discussions addressing Jordan's Principle.

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