



Jordan's Principle Draft Policy Recommendations

Jordan's Principle Service Coordinator Gathering
September 2025



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Background

Jordan's Principle is named in honour of **Jordan River Anderson**, a First Nations child from Norway House Cree Nation in Manitoba, who was born with complex medical needs and did not receive the services he needed because the governments of Canada and Manitoba could not agree on payment for his care.

Jordan passed away in hospital at age five, never having the chance to live in his family's home or community because of this jurisdictional dispute. Jordan's fight for equity has created a lasting impact for all First Nations children and families.

Jordan River Anderson's legacy lives on through Jordan's Principle and will continue to improve the lives and wellbeing of First Nations children and families for generations.





Background

- In 2007, the Assembly of First Nations (AFN) and Caring Society filed a human rights complaint on the narrow implementation of Jordan's Principle; in 2016, the Canadian Human Rights Tribunal (CHRT) upheld this complaint.
- In 2018, the Jordan's Principle Action Table (JPAT) developed policy recommendations for the long-term implementation of Jordan's Principle.
- Recent federal budget investments:
 - Budget 2022: \$4 billion over 6 years
 - Budget 2024: \$1.6 billion over 2 years
 - 2025: \$1 billion for 2025-26 fiscal year





Jordan's Principle Long-Term Reform

- Jordan's Principle is **separate** from the long-term reform of the First Nations Child and Family Services (FNCFS) Program.
- Both long-term reform processes emerged from the Agreement-in-Principle (2021); however, the negotiations on reform of Jordan's Principle and FNCFS were separated in early 2023, with FNCFS taking place first.
- A separate negotiation process will be underway for Jordan's Principle in the coming months.





AFN's Advocacy at the CHRT

- **2016 CHRT 2: Merits Decision**
 - CHRT agreed that Canada was discriminating against First Nations children and families in its narrow implementation of Jordan's Principle; ordered immediate reforms.
- **2019 CHRT 39: Compensation Orders**
 - CHRT awarded victims of Canada's discrimination \$40,000 in compensation dating back to 2006/2007.
- **2020 CHRT 36: Jordan's Principle Eligibility Orders**
 - CHRT clarified the groups of children who are eligible for Jordan's Principle.
- **2021 CHRT 41: Capital Orders**
 - Canada ordered to pay the actual costs of capital to deliver Jordan's Principle.





AFN's Advocacy at the CHRT

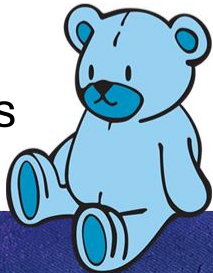
- **2022 CHRT 8: Immediate Measures Orders**
 - Pursuant to AIP on long-term reform, Canada is required to assess resources for post-majority navigation, research to understand gaps in implementation of Jordan's Principle, and cultural competency training.
- **Letter Decision and 2025 CHRT 6: Jordan's Principle Non-Compliance Ruling**
 - CHRT issued letter-decision on the non-compliance motion, ordering the Parties to discuss interim measures to address the critical issues of the backlogs, urgent requests, payments, contact mechanisms, and other concerns.





CHRT Non-Compliance Timeline

- **December 12, 2023:** Caring Society filed a non-compliance motion at the CHRT regarding concerns of Canada's implementation of Jordan's Principle.
- **September 11-12, 2024:** Hearing at the CHRT on the Caring Society's non-compliance motion.
- **November 21, 2022:** Tribunal issued a letter-decision with reasons to follow regarding the Caring Society's non-compliance motion and Canada's cross-motion on Jordan's Principle implementation.
- **December 20, 2024:** Canada files a judicial review of the CHRT's Letter-Decision on the Jordan's Principle non-compliance.
- **January 29, 2025:** Tribunal issued full reasons for decision following its November 21, 2024 letter decision.





Current Implementation

- As of June 2025, Jordan's Principle has facilitated access to over 9.87 million products, services and supports since July 2016.
- Medical transportation, education and economic supports comprise the top 3 categories of approved requests.
- Approved requests have increased substantially in recent years for both individual and group requests.





Operational Bulletin

- In February 2025, ISC introduced new operational guidelines for the implementation of Jordan's Principle without consulting the First Nations Parties.
- The new guidelines are viewed as restrictive, creating administrative barriers to children accessing supports.
- Recent AFN Resolutions call for the revocation of the Operational Bulletin.





Cully v. Canada (2025)

- Involved a First Nations child whose family requested full-time ABA therapy; ISC denied, claiming Jordan's Principle does not cover "special/ameliorative" programs like Ontario Autism Program.
- Court Findings:
 - ISC's interpretation was unreasonable; matter returned to Appeals Committee
 - Jordan's Principle applies broadly, not restricted by existing programs or technical arguments
 - Requires **individualized assessments** based on substantive equality, cultural needs and best interest of the child





Powless v Canada (2025)

- Joanne Powless, a First Nations grandmother, sought Jordan's Principle funding for mould remediation and temporary housing to protect her two asthmatic granddaughters living in an unsafe on-reserve home.
- ISC repeatedly denied the request, framing it as a “house renovation” outside Jordan's Principle, pointing to inadequate/inaccessibly housing programs.
- Court findings:
 - ISC's decision unreasonable for ignoring the children's health needs and apply an unduly narrow interpretation of Jordan's Principle.
 - Overturned ISC's denial, requiring re-determination.
- Key Principles affirmed:
 - Jordan's Principle requires a broad, child-first approach, ensuring substantive equality and the best interests of the children.
 - Cost is not a valid basis for denial – Jordan's Principle has no financial cap.





First Nations' Concerns

- **Timelines:** Rates of compliance with CHRT timelines vary across regions, and some applicants face significant delays.
- **Applications:** The process to apply (or re-apply) is burdensome and requires sensitive information.
- **Adjudication & Denials:** Lack of consistency in adjudication, and disproportionately high rates of denials in some regions.
- **Capital:** Need for adequate, safe infrastructure to deliver Jordan's Principle.





First Nations' Concerns

- **Aging Out:** Youth aging out of Jordan's Principle eligibility are met with gaps in services.
- **Caseloads:** Service Coordinators and Focal Points have untenably high caseloads that impact their ability to support children.
- **Service availability:** Impact of inequitable access to services, including access to professionals to provide assessments and support letters.





Proposed Policy Recommendations

Community-Based Funding & First Nations Control

- ✓ Enable First Nations to meet needs in ways that work best for their communities and shift from intervention to prevention.
- ✓ Enhance Service Coordination and case management through resources to explore models and support networking.
- ✓ Life-course approach to funding and services.
- ✓ Investments in human resources, infrastructure and capacity.
- ✓ Exploration of community-based determination and jurisdiction.





Proposed Policy Recommendations

First Nations Innovation Fund

- ✓ Flexible funding to expand and enhance best practices to address gaps and needs.
- ✓ Funding to explore and implement innovative service delivery and coordination models, including data management and reporting.

Urgent and Emergency Care

- ✓ Implement a replenishable emergency fund to enable First Nations to address immediate needs.





Proposed Policy Recommendations

Federal Program and Service Reforms

- ✓ Undertake a robust study of persistent gaps in programs and services for First Nations children and address known gaps.
- ✓ Normalize frequently requested supports in federal programs and services.
- ✓ Commit to implementing Jordan's Principle, including resolving interdepartmental payment disputes.





Proposed Policy Recommendations

Supporting First Nations Youth into Adulthood

- ✓ Needs-based, sustainable funding to facilitate care planning and service coordination for youth as they approach the age of majority.
- ✓ Establish a replenishable enhanced service fund to pay for the cost of supports for youth into adulthood.
- ✓ Establish a comprehensive service map for supports for youth reaching the age of majority.
- ✓ Extend the age of eligibility for Jordan's Principle to age 30.





Proposed Policy Recommendations

Oversight, Advocacy and Complaints Mechanism

- ✓ Establish an independent oversight, advocacy and complaints mechanism that is fair, expedient and based in the best interests of First Nations children.

Provincial and Territorial Collaboration & Implementation

- ✓ Canada, Provinces and Territories collaborate with First Nations to uphold Jordan's Principle, and respect First Nations control over Jordan's Principle where desired.





Proposed Policy Recommendations

Systems Modernization

- ✓ Identify means of modernizing services for intake and adjudicating requests, including streamlining adjudication, preventing backlogs, processing urgent requests, and payment processing.





Next Steps

- Continued work with the CHRT Parties to address the critical issues of the backlog of requests and payments, and preventing their recurrence.
- Negotiations on a Jordan's Principle Draft Agreement (TBD).
- Development of a Jordan's Principle Communications Hub to provide tools for First Nations, service providers, etc. to learn more about Jordan's Principle.

