



# Draft Agreement on **Long-Term Reform of First Nations Child and Family Services**

The Assembly of First Nations, alongside the Chiefs of Ontario, Nishnawbe Aski Nation and the Government of Canada, negotiated \$47.8 billion in a Draft Agreement for the Long-Term Reform of First Nations Child and Family Services (FNCFS). **There's a lot of discussion surrounding the Draft Agreement. Here are some of the facts you should know.**

## **Fact**

This Draft Agreement commits \$47.8 billion to fundamentally change the FNCFS Program and put First Nations back in charge of child and family services.

- The Draft Agreement relied on the research conducted by the Institute of Fiscal Studies and Democracy (IFSD) to identify the cost of the reforms required by the Canadian Human Rights Tribunal (CHRT).
- First Nations and agencies collaborated with the IFSD and identified further gaps, such as post-majority support services and funding for information technology.

## **Fact**

The Draft Agreement allocates significant funding to FNCFS Agencies to continue their work, including services mandated by provincial or territorial services provided by qualified child and family specialists.

- Approximately one third of the Draft Agreement's total funding is designated for FNCFS agencies.
- First Nations can choose to allocate the funds they receive under this agreement to their Agency.

## **Fact**

Canada's current commitment to set aside \$47.8 billion in funding for long-term reform is not guaranteed if the Draft Agreement is not finalized.

- The funding for FNCFS currently in place is based on the 2021 Agreement-in-Principle (AIP) which set the framework for a Draft Agreement. The AIP is a non-binding agreement.
- Without the Draft Agreement approved to proceed, or a new mandate secured by Canada to continue negotiations, the AIP no longer applies.
- Canada can choose to scale back its funding to as little as \$2.9 billion per year, amounting to approximately \$29 billion over 10 years, and still comply with CHRT orders.



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## **Fact**

The Draft Agreement ensures that the FNCFS Program and meets the needs of future generations through mandatory reviews at the five and ten-year marks.

- Funding will continue after the ten-year term of the agreement.
- The five- and ten-year reviews will be used to make recommendations to meet the changing needs of First Nations. Without these reviews, funding could be subject to cuts year by year.
- Funding under the Draft Agreement does require annual parliamentary review, which is a common practice. Many federal programs go through similar approvals processes.
- The Draft Agreement legally binds Canada to continue engagement and support after the ten-year term. The goal is to reduce the numbers of kids in care.

## **Fact**

The Regional Implementation Committee (RIC) ensures regional representation and a minor role from the Parties.

- In response to feedback from First Nations leadership, the Draft Agreement was amended with agreement from all Parties to set out a regionally inclusive governance structure on the RIC, ensuring each region will have a member selected through their own regional processes.
- The composition will reflect First Nations leadership, technicians, and agency representation while striving to achieve diversity.

## **Fact**

The CHRT found that Canada was discriminating against First Nations children and families **living on-reserve and in the Yukon** in the provision of child and family services.

- Children living off-reserve are under the jurisdiction of provincial or territorial legislation. There are other legal actions ongoing that address the discrimination they face under those provincial systems.
- The CHRT's orders and the Draft Agreement do not cover off-reserve children, as these issues are beyond the CHRT's jurisdiction.
- First Nations can also use *An Act respecting First Nations, Inuit and Metis children and families* (Bill C-92) as a mechanism to provide services to children and families off-reserve.



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## **Fact**

All regional funding allocations were calculated using the same factors, with no region receiving a preferential deal.

- Calculations were made according to baseline funding, a 2% inflation rate, a 1.1% population growth rate, and a remoteness quotient.
- Each First Nation is guaranteed a base amount of \$75,000 annually, with additional per capita funding for essential services like prevention and First Nations Representative Services.
- The Draft Agreement ensures every region sees at least a 30% increase in funding.
- While the funding for First Nations Representative Services is slightly different in Ontario, the Draft Agreement expands First Nations Representative Services funding to all regions.

## **Fact**

The AFN followed the proper negotiation and consultation process as guided by legal requirements and its resolution mandates.

- The AFN was mandated by First Nations-in-Assembly Resolution 40/2022 to enter negotiations with Canada and the other parties to complete a Draft Agreement.
- The First Nations Child and Family Caring Society was not excluded from negotiations. The organization chose to remove itself from the process.
- First Nations leadership were consulted through regional and national engagements. The AFN brought forward amendments proposed by Chiefs to strengthen the agreement, which were agreed to by the Parties and incorporated into the revised Draft Agreement.