

**IRT CFS SUBCOMMITTEE - January 2023  
Meeting Scenario Note**

**1. INNU INQUIRY**

**BACKGROUND**

- On June 10th, 2021, the Premier of Newfoundland and Labrador and the Innu leaders publicly announced the Commissioners, Judge James Igloliorte, Anastasia Qupee, and Mike Devine, for the Provincial Inquiry into the Treatment, Experiences and Outcomes of Innu in the Child Protection System in Newfoundland & Labrador.
- ISC committed \$1.13 million to the Innu Nation to support their participation in the Provincial Inquiry and for healing services. Of this funding, the First Nations Inuit Health Branch has provided \$300,000 while the remaining funding was provided under the First Nations Child and Family Services Program's Community Well-Being and Jurisdiction Initiative funding stream. In 2019-2020, \$242,000 was provided to the Innu as well as an additional \$258,700 was provided following the June 2021 announcement of the commissioners for the Inquiry to support coordination of services and travel for the Innu. ISC flowed the remaining \$333,000 to Innu Nation in 2022.
- At a recent Innu Round Table Child and Family Services Subcommittee, the Innu indicated that they would be submitting another budget ask to both ISC to further support the Innu's participation in the Inquiry. ISC has been very clear with the Innu that we are not able to support any legal fees associated with a provincial Inquiry.

**CURRENT STATUS**

- Canada committed to participating in the Inquiry and has been granted General Standing and full participatory rights. One or more departmental representatives will attend all hearings and events where the attendance of a representative from Canada is expected.
- At the most recent Innu Round Table Child and Family Services Subcommittee, the Innu indicated that they would be submitting another request for funding for legal fees to further support the Innu's participation in the Inquiry. Departmental officials have informed the Innu that the Government of Canada is not able to provide funding for legal fees associated with a provincial inquiry.
- An internal team has been formed to support the Inquiry, made up of officials from the Child and Family Services Reform Sector, the Atlantic regional office, the Department of Justice and Communications.
- Indigenous Services Canada will be required to testify at the hearings. Annie Randell will take the primarily lead on Canada's role in the Inquiry. Annie was identified for this role as she has historical knowledge of the First Nations Child and Family Service Program, and with the Department's relationship with the Innu and the Province of Newfoundland and Labrador. Annie will likely provide

testimony on behalf of Canada, including speaking to the efforts underway related to the long-term reform of the Program.

- Justice is currently working with the counsel for the Inquiry to determine the timing of formal hearings.
- On November 17, 2022, Canada received a summons to produce by January 30, 2023, several documents, many dating back years. Efforts to collect the requested documentation has started. Given the size of the document request, the Commission recognizes that Canada may require more time to provide the documents. The Commission is willing to provide extensions based on reasonable and legitimate circumstances if requested.
- The first formal hearing, which a representative of Indigenous Services Canada would be expected to attend, is scheduled for February 2023. Hearings and community events are anticipated to occur regularly until July, 2024

#### **KEY MESSAGES**

- Canada's position regarding the Provincial Inquiry remains the same – Canada committed to participating in the Inquiry and has been granted General Standing and full participatory rights. One or more departmental representatives will attend all hearings and events where the attendance of a representative from Canada is expected.
- I understand that the Innu Nation will be submitting another budget ask to ISC to support the Innu's participation in the Inquiry. While the Department is unable to support the legal fees associated with provincial inquiries, we look forward to working with the Innu Nation to hopefully further accommodate some of the other costs associated with the Innu's participation.

## **2. CANADIAN HUMAN RIGHTS TRIBUNAL - FNCFS PROGRAM REFORM**

### **BACKGROUND**

- On March 7, 2022, an email was sent to all Chiefs and the Director of the Innu Round Table regarding program reform and the recent Canadian Human Rights Tribunal Orders. The email included the following information:
  - On January 4, 2022, the parties to the Canadian Human Rights Tribunal proceedings regarding the First Nation Child and Family Services Program announced that they had reached an Agreement-in-Principle for long-term reform of the First Nation Child and Family Services Program.
  - The Agreement-in-Principle is based on principles led by First Nations and is expected to result in the final agreement following the conclusions of negotiations at the end of March 2023.
- First Steps – Transition Year 2022-2023
  - The first steps are currently being implemented and include:
    - Implementing the amended capital order (2021 CHRT 41) to fund the purchase and construction of capital assets that support the delivery of First



Nations child and family services, including First Nations Representative Services.

- Providing prevention, in a per capita amount of \$2,500 based on a First Nation's on-reserve registered First Nation population, as per the Indian Registry System as of December 31, 2021.
- Funding for First Nations Representative Services to assist families who encounter the child welfare system based in a per capita amount of \$283 based on a First Nation's on-reserve total First Nation population. This funding will be allocated to communities for a five-year period.
- Funding for post-majority care will be provided to communities for young adults aging out of care and formerly in care up to the time they turn 26 years of age to support their transition to adulthood.
- Implementing Long Term Reform – Beginning in 2023-2024
  - Starting April 1, 2023, ISC will begin to make available the full funding under the reformed approach.
  - The goal of the reformed approach is to provide funding based on the actual needs of children, youth, and families, the needs and outcomes of First Nations children, youth, and families over time, and provides for culturally appropriate services in distinct First Nations circumstances.

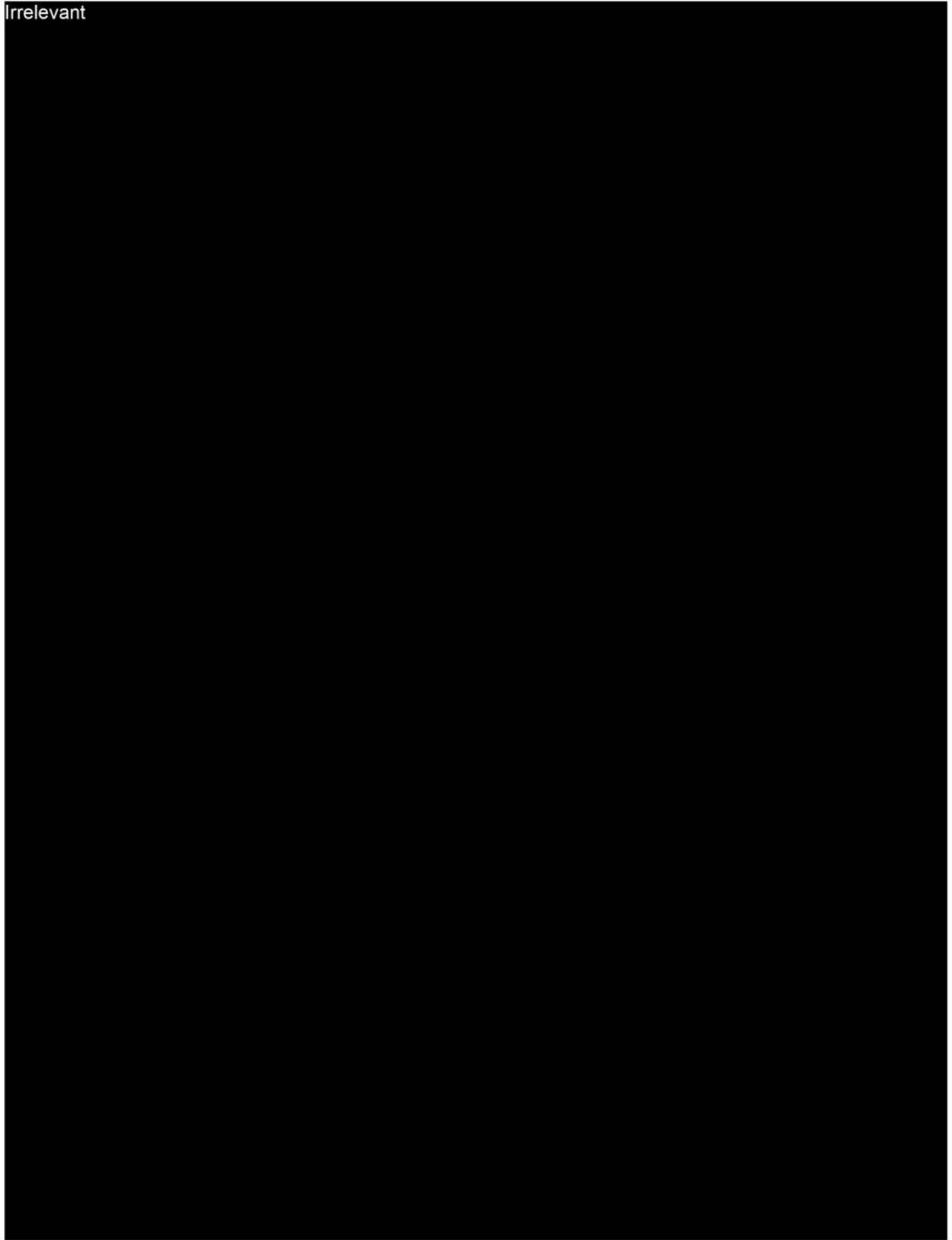
#### **KEY MESSAGES**

- ISC continues to work with the First Nations Caring Society and the Assembly of First Nations to reach a final agreement for a global resolution related to compensation and to achieve long-term reform of the First Nations Child and Family Services program to ensure that no child faces discrimination again. This agreement is expected to be concluded by the end of March 2023.
- As the designated organization to provide prevention services for the two Innu communities, all additional prevention funding as a result of program reform and the new prevention funding methodology will flow to the Innu Round Table.
- Representatives from the Innu Round Table are attending regular information sessions organized by the ISC Atlantic First Nation Child and Family Services Regional Team. These sessions are meant to provide participants with up-to-date information pertaining to both program reform and the Capital Orders. It also provides a venue to voice concerns and ask questions.
- ISC is working to arrange for discussions with communities on the recent CHRT 41 Capital Orders, so that we can get a better understanding of your First Nation Child and Family Services Program capital infrastructure needs, as well as, to assist you in the process to access the available funding to meet those needs.

### **3. CANADIAN HUMAN RIGHTS TRIBUNAL - COMPENSATION**

#### **BACKGROUND**

Irrelevant



GCDOCS # 108567267

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Irrelevant



4

GCDOCS # 108567267

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Irrelevant



- Request P044760 – Innu Midwifery Program
  - On April 25, 2022, ISC received the above request for \$700,000.
  - The request was for a detached building and space for midwifery clinics, teaching and meeting rooms, counselling area, administration and a birth room with a home-like environment for women/families with uncomplicated pregnancies. The file remained with First Nations Children and Family Services Head Quarters, as initial review determined that there was missing information and the clock was stopped.
  - The file was assigned to the Atlantic Region on May 13, 2022 and on May 30 2022 an initial email was sent to the recipient identifying additional information required. The email further indicated that the clock would be stopped at this time.
  - Follow-ups on this request were conducted on June 14, 2022 and June 25, 2022. Judith Rae indicated that they wanted to continue, but at this time it remained paused while the Innu Round Table Secretariat focussed on other projects.
  - A follow-up email was sent on July 14, 2022. A subsequent email was sent on October 28, 2022 that indicated that the Innu Round Table Secretariate could cancel this request and reactivate it at a later time. Judith Rae responded indicating that it would be discussed in the future and to keep it on the books, requesting that Kylie Rose confirm, but no response was received.
  - A subsequent email follow-up, with a meeting request was sent on November 10, 2022 and the meeting time did not work for Judith and no response was received from Kylie.
  - An email follow-up was sent on January 4, 2022

## **5. RESOLVING THE INNU NATION'S CANADIAN HUMAN RIGHTS COMMISSION COMPLAINT PERTAINING TO THE FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM**

### **BACKGROUND**

- In 2018, the Canadian Human Rights Tribunal ordered ISC to fund a range of activities under the FNCFS Program at the actual costs of those activities. Among other things, it ordered ISC to fund FNCFS agencies at the actual costs

of prevention services and First Nations in Ontario at the actual costs of First Nations representatives services.

- In June 2020, the Innu Nation filed a complaint with the Canadian Human Rights Commission, alleging that Canada was discriminating against the Innu Nation by not funding the IRTS at the actual costs of prevention and First Nations representative services, as purportedly required by the Tribunal's orders.
- At the time, per the Tribunal's 2018 order, the FNCFS Program funded First Nations representative services only in Ontario. It provided prevention funding at actual costs only to agencies delegated or designated by a province or territory to deliver child and family services. The IRTS is not a provincially delegated or designated agency.

Solicitor-Client  
Settlement

• Solicitor-Client Privilege

Settlement

#### 6. FUNDING PROFILE 2020-2021 TO 2022-2023

| INNU ROUND TABLE SECRETARIAT |                    |         |                                                                                                                                                                                         |         |             |             |             |              |                    |
|------------------------------|--------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|-------------|-------------|--------------|--------------------|
| Year(s)                      | Amount (\$)        | Program | Description                                                                                                                                                                             |         |             |             |             |              |                    |
| 2020/2021                    | \$2,517,854        | CWJI    | Prevention - Community Social Workers                                                                                                                                                   |         |             |             |             |              |                    |
| 2020/2021                    | \$ 307,175         | CWJI    | Capacity Building funds toward developing Innu Law                                                                                                                                      |         |             |             |             |              |                    |
| 2021/2022                    | \$4,200,900        | CWJI    | Prevention – Community social Workers                                                                                                                                                   |         |             |             |             |              |                    |
|                              |                    |         | Settlement                                                                                                                                                                              |         |             |             |             |              |                    |
| 2022/2023                    | \$6,732,500        | CWJI    | Prevention for Sheshatshiu and Mushuau via IRTS                                                                                                                                         |         |             |             |             |              |                    |
|                              |                    |         | *funding calculated based on FNCFS program reform prevention methodology \$2,500/ FN resident on reserve for both communities and redirected to IRT as the designated prevention agency |         |             |             |             |              |                    |
|                              |                    |         | <table><tr><td>Mushuau</td><td>\$2,560,000</td></tr><tr><td>Sheshatshui</td><td>\$4,650,903</td></tr><tr><td><b>Total</b></td><td><b>\$7,210,903</b></td></tr></table>                  | Mushuau | \$2,560,000 | Sheshatshui | \$4,650,903 | <b>Total</b> | <b>\$7,210,903</b> |
| Mushuau                      | \$2,560,000        |         |                                                                                                                                                                                         |         |             |             |             |              |                    |
| Sheshatshui                  | \$4,650,903        |         |                                                                                                                                                                                         |         |             |             |             |              |                    |
| <b>Total</b>                 | <b>\$7,210,903</b> |         |                                                                                                                                                                                         |         |             |             |             |              |                    |
|                              |                    |         | \$478,403 flowed directly to Sheshatshiu for community social workers                                                                                                                   |         |             |             |             |              |                    |



|              |                   |                   |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |         |            |             |            |              |                   |
|--------------|-------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------|------------|-------------|------------|--------------|-------------------|
|              |                   |                   | Total redirected to IRTS =<br>\$6,732,500                                                                                                                                                                                                                                                                                                                                                                          |  |         |            |             |            |              |                   |
| 2022/2023    | \$ 762,119        | FNRS              | First Nation Representative Services via IRTS<br><br>* funding calculated based on FNCFS program reform prevention methodology \$283/ FN resident on reserve for both communities and redirected to IRT as the designated prevention agency<br><table><tr><td>Mushuau</td><td>\$ 289,792</td></tr><tr><td>Sheshatshiu</td><td>\$ 472,327</td></tr><tr><td><b>Total</b></td><td><b>\$ 762,119</b></td></tr></table> |  | Mushuau | \$ 289,792 | Sheshatshiu | \$ 472,327 | <b>Total</b> | <b>\$ 762,119</b> |
| Mushuau      | \$ 289,792        |                   |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |         |            |             |            |              |                   |
| Sheshatshiu  | \$ 472,327        |                   |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |         |            |             |            |              |                   |
| <b>Total</b> | <b>\$ 762,119</b> |                   |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |         |            |             |            |              |                   |
| 2022/2023    | \$ 881,800        | Capacity Building | Capacity Building funds toward developing Innu Law                                                                                                                                                                                                                                                                                                                                                                 |  |         |            |             |            |              |                   |

| INNU NATION           |             |               |                                         |
|-----------------------|-------------|---------------|-----------------------------------------|
| Year(s)               | Amount (\$) | Program       | Description                             |
| 2019/2020 – 2021/2022 | \$1,133,700 | CWJI<br>FNIHB | Innu support for the Provincial Inquiry |

| SHESHATSHIU INNU FIRST NATION |             |         |                                                                                                                                                                                                                         |
|-------------------------------|-------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Year(s)                       | Amount (\$) | Program | Description                                                                                                                                                                                                             |
| 2016/2021                     | \$7,410,000 | FNCFS   | Retroactive payment under the Non-Compliance Order                                                                                                                                                                      |
| 2020/2021                     | \$478,403   | CWJI    | Prevention community social workers                                                                                                                                                                                     |
| 2021/2022                     | \$478,000   | CWJI    | Prevention community social workers                                                                                                                                                                                     |
| 2021/2022                     | \$100,000   | CWJI    | Youth and Adult land based program                                                                                                                                                                                      |
| 2022/2023                     | \$478,403   | CWJI    | Prevention community social workers<br><br>*Funding is part of the FNCFS program reform prevention allocation \$2,500/ FN resident on reserve. Remaining funding re-directed to IRT as the designated prevention agency |
| 2022/2023                     | \$100,000   | CWJI    | Youth and Adult land base program                                                                                                                                                                                       |

| MUSHUAU INNU FIRST NATION |             |         |                                                        |
|---------------------------|-------------|---------|--------------------------------------------------------|
| Year(s)                   | Amount (\$) | Program | Description                                            |
| 2016-2021                 | \$4,580,000 | FNCFS   | Retroactive payment under the Non-Compliance Order     |
| 2020/2021                 | \$100,000   | CWJI    | Capacity building project for two placement facilities |
| 2021/2022                 | \$167,714   | CWJI    | Capacity building project for two placement facilities |
| 2021/2022                 | \$100,000   | CWJI    | Healing treatment (4-week)                             |
| 2022/2023                 | \$1,244,929 | CWJI    | Capacity building project for two placement facilities |
| 2022/2023                 | \$100,000   | CWJI    | Youth and Adult land based program                     |

| PROVINCE OF NEWFOUNDLAND & LABRADOR(CSSD) |              |         |                        |
|-------------------------------------------|--------------|---------|------------------------|
| Year(s)                                   | Amount (\$)  | Program | Description            |
| 2020/2021                                 | \$13,805,510 | FNCFS   | Protection/Maintenance |
| 2020/2021                                 | \$6,668,458  | FNCFS   | Operations             |
| 2021/2022                                 | \$13,000,000 | FNCFS   | Protection/Maintenance |
| 2021/2022                                 | \$8,335,499  | FNCFS   | Operations             |
| 2022/2023                                 | \$4,661,868  | FNCFS   | Operations             |
| 2022/2023                                 | \$6,500,000  | FNCFS   | Protection/Maintenance |

- Starting in 2022-2023, as a result of program reform, prevention funding will be calculated based on a per capita amount of \$2,500 based on a First Nation's on-reserve registered First Nation population as per the Indian Registry System as of December 31, 2021.
- In February 2022, ISC approved \$1,412,643 under the Community Wellbeing and Jurisdiction Initiative Program for the Mushuau Innu First Nation. These funds will support capacity building needs for an interim care home in Happy-Valley Goose Bay and the yet to be constructed Mushuau Group Home in Natuashish. Once constructed, the Mushuau Group Home will be the fifth and final placement resource that was described in the 2018 Innu Care Approach.

Settlement Privilege  
Solicitor-Client

- In October 2020, the Innu Nation's motion to the Canadian Human Rights Tribunal, for interested party status, on the Caring Society's motion regarding non-delegated agency communities, was accepted. On March 17, 2021, a ruling by the Canadian Human Rights Tribunal ordered the Government of Canada to develop and

implement an interim revised funding model for non-delegated agencies, such as the Innu. A retroactive payment from 2016 to 2021 of \$4.58 million will be paid to Mushuau Innu First Nation and a payment of \$7.41 million will be paid out to Sheshatshiu Innu First Nation under the Non-Compliance Order.

- In 2020-2021, \$307,000 was allocated to the Innu, under the First Nations Child and Family Services – Legislation Capacity Building for the development of their child and family service law.
- For the 2022-2023 fiscal year, the Province of Newfoundland and Labrador provided a forecasted budget of \$8,376,300 for operational expenses. The balance remaining of \$3,714,332 will be provided once they have signed and returned their initial agreement. All protection/ maintenance expenses are reimbursed to the Province following the submission and acceptance of ISC's quarterly reporting requirements.

"IRT CFS Committee Terms of Reference approved by Committee Sept 14, 2022.docx(2437748.1)(3045772.1).docx" can be accessed via the following link:  
<https://gcdocs.intra.pri/aanc-inac/lisapi.dll/Overview/108569704>

"CFS Committee Workplan 2022-23 approved by Committee, Sept 14, 2022(3045779.1).docx" can be accessed via the following link:  
<https://gcdocs.intra.pri/aanc-inac/lisapi.dll/Overview/108573616>