



Key Takeaways from the Loving Justice Plan & Canada's Plan on Long-Term Reform of First Nations Child & Family Services

by National Children's Chiefs Commission ("NCCC") Technical Experts

Disclaimer. The National Children's Chiefs Commissions provides this content for information purposes only and is not intended as legal advice. This information may be useful to First Nations as Canada seeks to enter into negotiations for regional agreements on long-term reform of First Nations Child & Family Services.

Overview. In 2025 CHRT 80, the Canadian Human Rights Tribunal ordered Canada, the Caring Society and the AFN to submit a comprehensive national (outside Ontario) plan to permanently end Canada's discrimination in First Nations Child & Family Services. The Caring Society and the NCCC collaborated extensively on the Loving Justice Plan, with support from the AFN. The Tribunal encouraged Canada to work with the other parties, but Canada chose to submit a separate plan. Th plans were submitted to the CHRT on December 22, 2025.

Recommendations:

We encourage Nations to thoroughly analyze the [Loving Justice Plan](#) and the [Canada Plan](#) prior to entering into any negotiations with Canada.

Canada's plan emphasizes regional agreements, which it intends to conclude by September 30, 2026. These agreements are narrowly defined and limited to how Canada's plan would be implemented in each region.

The regionalized approach together with compressed timelines and restricted scope for negotiation suggest Canada is relying on a familiar "divide and conquer" and "take it or leave it" approach in its dealings with First Nations.

To illustrate, the following excerpt is from page 7 of Canada's plan:

"The funding elements and the total funding committed for each would **not** be the subject of regional agreement negotiations and would be implemented nationally on April 1, 2027."

Negotiations would focus on implementation adjustments to better reflect each region's unique context, including potential adjustments to:

- [the allocation of funding](#) among First Nations and FNCFS agencies;
- [planning requirements](#)
- [the framework for FNCFS agency accountability](#) to First Nations
- [The scope and timing of regional program assessments](#) & the resulting recommendations to Indigenous Services Canada (ISC) on changes to the FNCFS Program
- [regional governance of the FNCFS Program](#) to advise ISC on implementation of the reformed FNCFS Program in each region

Canada's plan also includes a non-negotiable National Framework which mirrors the draft Final Agreement that First Nations rejected in October 2024. Canada intends to impose the National Framework on all regions beginning April 1, 2027.



Key Considerations:

Canada's Plan¹:	Loving Justice:
Regional negotiations to begin in January; National Framework to be implemented April 1, 2027.	National minimum of standards to end Canada's discriminations, with regional variations to address distinct needs & circumstances.
Short timelines generate urgency to reach regional agreements before Canada imposes its National Framework.	Provides a transitioned approach to build capacity and meet needs and readiness among Nations—up to 10 years for Nations not served by agencies.
The core program funding elements and the total funding committed for each would NOT be the subject of regional agreement negotiations and would be implemented nationally on April 1, 2027.	The funding elements are subject to regional variations to address distinct needs and circumstances.
Requires unconditional (no amendments) approval from the CHRT.	Calls for approval from rights holders prior to implementation.
Canada seeks an order that Canada's plan satisfies, supersedes and replaces all Tribunal orders relating to FNCFS (outside Ontario).	Calls for CHRT jurisdiction to remain in place until an oversight body can be established and an approved Alternative Dispute Resolution (ADR) mechanism can be established.

For more information:

- Visit the National Children's Chiefs Commission [website](#). Please be patient, it is run by volunteers!
- View NCCC [webinars](#).
- Contact us at: nccc@ourchildrenourway.ca.
- Visit the Caring Society for up-to-date information: [I am Witness](#).
- Read the Caring Society's [Leadership Brief](#) comparing the Loving Justice Plan and the Canada Plan.