
Assembly of First Nations

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Julien Castonguay
A/Assistant Deputy Minister
First Nations and Inuit Health Branch
Indigenous Services Canada
200 Eglantine Driveway, Tunney's Pasture
Ottawa, ON K1A 0H4

Dear Mr. Castonguay:

On behalf of the Assembly of First Nations (AFN), I am writing to you to express our significant concerns regarding the recent Operational Bulletin on Jordan's Principle implementation. While we acknowledge and welcome the expansion of decision-making at the regional level, the remainder of the policy shifts outlined in the Operational Bulletin appear to be problematic, potentially giving rise to serious complications for First Nations children and families. Further, these changes were introduced without consultation with the First Nations Parties currently engaged in the Canadian Human Rights Tribunal proceedings and without advance notice to First Nations or service providers, creating uncertainty and risking disruption for those who access Jordan's Principle.

One of the most pressing concerns is the mid-year introduction of these policy changes, which will have substantial impacts on children, service providers and First Nations organizations that have been delivering supports. Specifically, the restriction on group requests beyond a single fiscal year poses significant challenges, particularly for education-based supports, which are tied to a school year rather than a fiscal year. Further, as we know well, children's needs are not bound by a fiscal year, and health, social and education needs do not follow the government's fiscal calendar. This policy shift will require service coordinators to reapply for funding for the April to June period, creating an unnecessary administrative burden for both requestors and Indigenous Services Canada (ISC) administrators.

It is also troubling that these new criteria are being applied retroactively to cases currently in the backlog, raising critical questions about whether affected cases will be outright denied or if ISC will seek additional information as required. I urge you to consider the recent *Schofer v. Canada*, 2025 FC 50 Federal Court decision, which underscores the importance of procedural fairness in decision making in Jordan's Principle. Any changes to Jordan's Principle, which is a legal principle and not a program, must align with the legal obligations established by the Federal Court and by the Canadian Human Rights Tribunal's (CHRT) numerous rulings on Jordan's Principle to ensure that First Nations children receive the support they are entitled to without undue delays, procedural barriers, and consistent with substantive equality.

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Given the impact of these policy shifts, I strongly urge your department to reassess and reconsider the implementation of the approach outlined in the Operational Bulletin, pending discussion with the First Nations Parties, consistent with the CHRT mandated consultations and dialogic approach. The First Nations Parties must be meaningfully engaged in policy discussions to ensure that decisions reflect the best interests of First Nations children. Furthermore, any future policy or procedural changes affecting Jordan's Principle should be clearly and proactively communicated to First Nations communities and organizations to prevent further disruptions.

We look forward to your response and a collaborative approach to addressing these critical issues to ensure that Jordan's Principle continues to fulfill its mandate of supporting First Nations children in a timely and effective manner.

Sincerely,



Andrew Bisson
Chief Executive Officer

