



January 31, 2025

Via email:

Regional Chief Terry Teegee
BC Assembly of First Nations
1004 Landooz Rd.
Prince George, BC
V2K 5S3

Via email:

Regional Chief Bobby Cameron
#10-134 Kahkewistahaw Crescent
Saskatoon, SK
S7R 0M9

Via email:

Regional Chief Kluane Adamek
204 – 105 Titanium Way
Whitehorse, YT
Y1A 0E7

Via email:

Regional Chief Joanna Bernard
1671 rue Principale
Madawaska Maliseet First Nation
NB, E7C 1W6

Via email:

Regional Chief Ghislain Picard
250, Place Chef Michel Laveau,
Suite 201
Wendake, QC
G0A 4V0

Via email:

Dene National & Regional Chief George Mackenzie
P.O. Box 2338
Yellowknife, NT
X1A 2P7

Dear Colleagues:

Re: Response regarding Resolutions #60/2024 & #61/2024, the National Children's Chief Commission and Long Term Reform of the First Nations Child and Family Services Program

I write in reply to your letter of January 15, 2025. I wish to advise that I truly and fully respect your comments on AFN's resolutions pertaining to the National Children's Chiefs Commission ("NCCC") and commentary associated therewith. I would highlight that the focus of the referenced resolutions and your letter is in relation to collaboration with the NCCC to ensure Canada returns to the negotiation table to address the critical issues associated with achieving long-term reform of the First Nations Child and Family Services program ("FNCFS Program"). I have called upon Canada on multiple occasions, to adhere to the will of the First Nations-in-Assembly and return to negotiations on long-term reform. As you have laid out, the resolutions were also clear that the NCCC has been mandated to engage in in all negotiations related to the long-term reform pertaining to the FNCFS Program and Jordan's Principle.

I note that Resolution 41-2024 s. 2 provided needed clarity in confirming NCCC was not in fact a product of the AFN Executive Committee, but a independent entity, called for, and established by the First Nations-in-Assembly. This independence was further reflected on in Resolution 89/2024, wherein the Chiefs affirmed in principle the Draft Terms of Reference which included that the NCCC would “work with Indigenous Services Canada to secure funding for their work, including independent legal and technical assistance.” Resolution 89/2024 s. 4 further reflects the focus of the NCCC, noting that the NCCC and its negotiation team would meet as soon as practical to:

(i) immediately commence its work on the LTR Agreements; and (ii) review the terms of reference and thereafter recommend them to the First Nations-in-Assembly for final approval, including any potential amendments.

I entirely agree that should negotiations of an long-term reform agreement become available that the NCCC should be a leader with respect to such work, which I hope would be in collaboration with the AFN to secure a deal that reflects that expanded mandates of the First Nations-in-Assembly, and having due regard for the First Nations-in-Assembly directions on finalizing its Terms of Reference. Cooperation would be fundamentally necessary in light of the AFN’s standing within the context of the CHRT proceedings at issue, and the NCCC’s lack thereof.

However colleagues, we find ourselves faced with confirmation by Canada that they will not engage with the AFN, or presumably any other entity including the NCCC, on a national level agreement on an LTR Agreement. The Prime Minister has also announced his resignation, which may likely result a delay in cabinet’s consideration of a revised mandate. Finally, other federal parties have publicly expressed their desire to topple the government, meaning that an election could be forthcoming as soon as next spring.

This is the backdrop we collectively face in advancing long-term reforms of the FNCFS Program. It is this context, the mandates of the First Nations-in-Assembly, as well as the letter from Justice Canada in which it confirmed it would not engage in national level negotiations on long-term reform dated January 7, 2025, which were the genesis for my correspondence to Dr. Blackstock of the First Nations Child and Family Caring Society (“Caring Society”).

While you were of the view that my letter placed “undue emphasis on the Caring Society’s role in securing an improved agreement, without fully acknowledging Canada’s refusal to negotiate in good faith and their broader collective responsibilities”, I would remind you that the First Nations-in-Assembly were clear in Resolution 88/2024 that the AFN Executive Committee was to support the Caring Society to “lead any process to achieve non-discrimination (also known as long term reform) for child and family services and Jordan’s Principle.” It is not I who placed the Caring Society into a leadership role on long-term reform efforts, but the First Nations-in-Assembly. Dr. Blackstock also made several unequivocal representations to the Chiefs in the context of recent AFN Assemblies regarding the availability of CHRT protected funding and advocating for the inclusion of off-reserve children, as highlighted by her statements of taking Canada to court. It is entirely fair for the AFN



to seek an update on what efforts the Caring Society is undertaking to protect/achieve those results they promised to secure on behalf of First Nations.

My request for such clarity from the Caring Society was particularly called for in light of Canada's confirmation that it has no mandate to negotiate a national level long-term reform agreement. In addition, the Caring Society has opted to recommence litigation at the Tribunal, which marks a shift from negotiations on long-term reform of both the FNCFS Program and Jordan's Principle to active litigation. With respect to the FNCFS Program, the AFN must now engage on the January 14, 2025, non-compliance motion brought by the Caring Society alleging that Canada is failing to comply with its 2018 orders in relating to consultation on mid or long-term reform.

With respect to your references to a letter of January 14, 2025, from Justice Canada, I can confirm that I was not in receipt of any such letter. Any inferences as to my independence are therefore unfounded, inappropriate and malicious. The only letter of which I have been made aware of by AFN staff from Justice Canada to the Caring Society was attached to the Caring Society's motion materials filed with the CHRT. While the letter may have been shared with you by the Caring Society in advance of their filing, I was unaware of any such letter until having been briefed on it in preparation for this reply.

On the topic of transparency and independence, I would also be remiss to not mention the recent concerns raised by the Chiefs of Ontario (COO) in correspondence to the NCCC dated January 16, 2026. COO has raised concerning points with respect to the transparency and independence of the NCCC, as well as with respect to recent motions brought to the AFN Executive Committee. While the Executive Committee's January 21, 2025 motion has provided some direction moving forward, I would note that the Executive Committee has still not provided much needed instructions to the Secretariat to enable the AFN to be actively involved in mediation on Jordan's Principle and litigation now before the Tribunal and Federal Court of Canada.

As National Chief, I remain committed to advancing the mandates of the First Nations-in-Assembly and the elimination of any and all discrimination faced by First Nations children and families. Only by working together can we secure a meaningful pathway to secure the necessary long-term reforms of the FNCFS Program and Jordan's Principle.

Megwetch,



Cindy Woodhouse Nepinak
National Chief
Assembly of First Nations

Cc. AFN Executive Committee