Taykwa Tagamou Nation

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August 21, 2026

OPEN LETTER

The Honourable Mandy Gull-Masty, P.C., M.P.
Minister of Indigenous Services
House of Commons
Ottawa, ON K1A 0A6

Re: Canada's alignment of coordination agreement funding with the Reformed First Nations Child and Family Services Program — a call for accountability

Dear Minister Gull-Masty,

I write publicly as Chief of Taykwa Tagamou Nation because the issue raised by Indigenous Services Canada's August 6, 2026 letter does not affect our Nation alone. It affects every Indigenous Governing Body that has exercised, is exercising, or is preparing to exercise inherent jurisdiction over its children under *An Act respecting First Nations, Inuit and Métis children, youth and families* (*the Act*). Taykwa Tagamou Nation has asserted that jurisdiction. Our Child Wellbeing Law is our law, made by our people, for our children.

On August 6, 2026, I received the attached letter from Isabelle Quintal, Acting Director General, Indigenous Services Canada, advising me that "funding for on-reserve child and family services" under coordination agreements "will align with reforms of the First Nations Child and Family Services Program," and that "this funding approach will guide fiscal discussions" with Nations exercising jurisdiction. The letter appears to replace the rights-based coordination agreement process under *the Act* with a unilateral federal program framework, or at minimum to make Canada's program design the practical condition for implementing First Nations jurisdiction through control of fiscal resources. Taykwa Tagamou Nation was not consulted, did not consent, and is not aware that affected First Nations were consulted before Canada made this decision.

The consequences are immediate and serious both for our children and our rights. First Nations now negotiating coordination agreements are being told that their fiscal discussions will be guided by ISC's national program approach, despite repeated findings that Canada's programmatic approach to First Nations child and family services discriminated against First

Nations children. First Nations preparing to exercise jurisdiction may inherit that fiscal frame before negotiations even begin. First Nations with existing coordination and fiscal agreements may face the same framework on renewal. A decision of this magnitude requires public disclosure of Canada's legal authority, fiscal authority, consultation record, rights-impact assessment, governing documents, and intended application.

Canada's discriminatory conduct in First Nations child and family services remains before the Canadian Human Rights Tribunal for First Nations not included in the Ontario Final Agreement and for all First Nations children pursuant to Jordan's Principle. Canada remains subject to the Tribunal's findings and orders unless and until the Tribunal varies or lifts them. Canada cannot use a policy letter, program reform, or administrative funding approach to avoid, dilute, or circumvent the Tribunal's continuing jurisdiction, findings, or orders. Nor can Canada use policy to diminish First Nations rights or children's rights.

Taykwa Tagamou Nation is not a party to, and is not bound by, the Ontario Final Agreement. First Nations outside that agreement cannot be drawn into its fiscal architecture through policy, program reform, or administrative practice. Any fiscal framework applied to Taykwa Tagamou Nation must be based on consultation, free, prior and informed consent, and a Nation-specific assessment of what is required to implement our own law. Any attempt to apply the Ontario Final Agreement, or a policy derived from it, to Taykwa Tagamou Nation in a manner that avoids or weakens the spirit and intent of the Tribunal's orders would be improper.

On January 16, 2026, the Chiefs of Ontario and Nishnawbe Aski Nation submitted that jurisdiction over child and family services falls outside the Complaint and the OFA. They described the OFA as guaranteeing First Nations' exercising jurisdiction will not receive less than what they would have been entitled to under the OFA. The OFA funding framework was said to be a floor, not a ceiling and an open door, not a wall.

The Act, not a federal program baseline, sets the standard for coordination fiscal arrangements. Fiscal arrangements must be sustainable, needs-based, and consistent with substantive equality. They must be measured against each Nation's law, service model, and children's needs wherever those children live. Canada risks acting unlawfully if it predetermines fiscal discussions by confining funding to "on-reserve" services or by importing a national program formula developed for a different legal purpose. A formula developed elsewhere, capped by an envelope, and subject to Canada's self-defined approval processes cannot meet the standard required to implement First Nations laws.

Chief Heidi Cook et al. v. The Government of Manitoba et al., 2026 MBKB 65, is directly relevant. The Court certified the First Nations' section 35 claim, granted summary judgment on that claim, and declared that First Nations have an Aboriginal right to self-government in child and family services, including the right to raise their children in their culture and

community, connected to their land, languages, and spiritual traditions. The Court further found that Canada and Manitoba unjustifiably infringed that right through the manner in which they funded, regulated, and provided child and family services in Manitoba. First Nations are affirming jurisdiction in child and family services as one necessary way to remedy decades of Crown harm, including residential schools and Canada's wilful and reckless discrimination in First Nations child and family services. Canada cannot sidestep that constitutional and remedial reality by relabelling rights-based funding as program reform, ordinary administration, or alignment with a federal program baseline.

Canada's 2008 apology for residential schools reinforces this point. Canada acknowledged that residential schools were designed to remove and isolate children from the influence of their homes, families, traditions, and cultures; that this policy was wrong, caused great harm, and has no place in this country; and that children were deprived of the care and nurturing of their parents, grandparents, and communities. Canada cannot apologize for removing children from our laws, families, cultures, and communities, and then use program funding to limit the jurisdiction First Nations are exercising to keep children connected to them.

Recognition of jurisdiction without the means to implement it is not reconciliation. Fiscal arrangements for First Nations laws must therefore be sustainable, needs-based, and tied to each Nation's law, service model, and children's needs. Where Canada recognizes, negotiates, or funds the exercise of First Nations jurisdiction over children and families, the honour of the Crown requires Canada to act diligently, purposively, and in a manner that advances reconciliation rather than frustrates the right in practice.

Minister, please answer the following in writing:

1. What legal authority does Canada rely on to make a federal program, policy, or funding instrument govern fiscal arrangements for Taykwa Tagamou Nation's exercise of jurisdiction, rather than *the Act*, section 35 rights, the Tribunal's continuing orders, and the needs of First Nations children?
2. Please identify the specific First Nations Child and Family Services Program, policy, or funding instrument Canada is relying on in the August 6, 2026, letter. Is Canada referring to the Ontario Final Agreement, Canada's December 22, 2025, national plan outside Ontario submitted to the Canadian Human Rights Tribunal, the existing First Nations Child and Family Services Program, or another program or policy instrument? Please provide the governing documents, identify who controls or may amend the program, and disclose any contemplated changes arising from litigation, Tribunal orders, or policy decisions.
3. What "reforms" is Canada referring to when it says that "funding for on-reserve child and family services" will align with reforms of the First Nations Child and Family Services Program?

4. Is Canada taking the position that coordination agreement funding will be limited to on-reserve child and family services? If so, what is Canada's legal basis for refusing to fund services required by a First Nation's law for its children and families off reserve?
5. When was the decision to align coordination agreement funding with the reformed program made, who made it, and what authorities or approvals were relied upon?
6. Which First Nations, Indigenous Governing Bodies, or representative organizations were consulted before Canada made or communicated this decision, and what was the outcome of that consultation?
7. Before issuing the August 6, 2026, letter, did Canada conduct any assessment under section 35, the United Nations Declaration on the Rights of Indigenous Peoples, the *United Nations Declaration on the Rights of Indigenous Peoples Act*, the Convention on the Rights of the Child, the Canadian Human Rights Tribunal orders, or *the Act*? If so, please provide the assessment and identify who conducted it.
8. How has Canada assessed the implications of *Chief Heidi Cook et al. v. The Government of Manitoba et al.*, 2026 MBKB 65, including the Court's recognition of a section 35 right to self-government in child and family services and its finding of unjustified infringement, for Canada's approach to coordination agreement funding?
9. Does Canada acknowledge that Taykwa Tagamou Nation is not included in, and is not bound by, the Ontario Final Agreement, and that Canada will not rely on policy or program reform to circumvent the Tribunal's continuing jurisdiction, findings, or orders?
10. Canada is currently engaged in its 5-year review of C-92 under section 30(1). Why did Canada make a major policy decision before completing that review process?

Canada must not apply the August 6 approach to Taykwa Tagamou Nation, or to any other Nation exercising, implementing, or preparing to exercise jurisdiction under *the Act*, unless and until Canada has disclosed the legal authority, rights assessment, consultation record, and governing documents for that approach. Canada must then consult affected First Nations on a rights-based basis. Any fiscal framework that affects the implementation of a First Nation's child and family services law must be developed through meaningful consultation and may be applied to that Nation only with its free, prior, and informed consent.

Taykwa Tagamou Nation is prepared to meet with Canada, but a meeting with officials cannot substitute for Canada's written legal position, disclosure of the governing documents, or meaningful consultation with affected First Nations. Nor should this matter be moved into a confidential process that prevents other affected Nations from understanding or responding to a decision that may affect their jurisdiction. Canada's August 6 approach was communicated in writing and appears to have national implications; Canada's response must therefore be in writing, transparent, and available to the First Nations whose rights and laws are affected or may be affected.

I request a written response within thirty days, including all documents, authorities, assessments, approvals, and records relied upon to issue the August 6, 2026, letter and to direct that approach to coordination agreement funding.

To Grand Chief Fiddler, Regional Chief Benedict, and National Chief Woodhouse Nepinak, who are copied here: I ask that you raise this matter with Canada at your respective tables. First Nations on the jurisdiction path should not be left to answer this issue one Nation at a time. We should all be concerned if a pathway Canada has described as meaningful and grounded in self-determination is now being dictated by Canada through policy.

Our Elders teach that our children are sacred and the reason our Nations endure. We never surrendered the care of our children, and we will not accept fiscal terms that quietly return that care to a federal program we never adopted. Taykwa Tagamou Nation remains willing to work with Canada, but that work must begin from respect for our law, our children, and our rights.

Respectfully,



Chief Bruce Archibald
Taykwa Tagamou Nation

cc: Grand Chief Alvin Fiddler, Nishnawbe Aski Nation
Ontario Regional Chief Abram Benedict, Chiefs of Ontario
National Chief Cindy Woodhouse Nepinak, Assembly of First Nations
The Honorable Sean Fraser, Minister of Justice/AG,
Lisa Legault, Director General, Indigenous Services Canada
Duncan Farthing Nichol, Director, Litigation Management Directorate
Isabelle Quintal, Acting Director General, An Act respecting First Nations, Inuit, and Metis children, youth, and families
Catherine Thai, Senior Director, Indigenous Services Canada
Dr. Cindy Blackstock, Executive Director, First Nations Child and Family Caring Society of Canada
National Children's Chiefs Commission
Chief and Council, Taykwa Tagamou Nation