

PLACE ON LETTERHEAD

November 30, 2022

Assembly of First Nations
c/o Stuart Wuttke, General Counsel

VIA EMAIL

**Re: AFN Office of the Regional Chief for Newfoundland and Nova Scotia
First Nation Children and Family Services Reform and Jordan's Principle Long-
Term Reform Report
November 2022**

Please accept this report on behalf of the AFN Office of the Regional Chief for Newfoundland and Nova Scotia, as it relates to its engagement within Newfoundland and Nova Scotia First Nation leadership and organizations regarding the First Nation Children and Family Services Program and Jordan's Principle long-term reform (FNCFS & JP LTR).

1. Introduction

The AFN Office of the Regional Chief for Nova Scotia and Newfoundland (ORC NL&NS) undertook a series of engagements with First Nations leadership and stakeholders in the Nova Scotia and Newfoundland region to seek feedback and dialogue from the First Nations in the region on long-term reform of the FNCFS Program and JP; and to review the proposed Settlement Agreement regarding FNCFS & JP LTR.

The ORC NL&NS represents four AFN recognized First Nations on the island of Newfoundland. These include: Miawpukek First Nation, Qalipu First Nation, Flay Bay Band, and the Glenwood Band. In Nova Scotia the ORC NL&NS represents 13 First Nations, including: Acadia First Nation, Annapolis Valley First Nation, Bear River (L'sitkuk) First Nation, Eskasoni First Nation, Glooscap First Nation, Membertou First Nation, Millbrook First Nation, Paqtenkek (Afton) First Nation, Pictou Landing First Nation, Potlotek (Chapel Island) First Nation, Sipekne'katik (Indian Brook) First Nation, Wagmatcook First Nation, and We'koqma'q (Waycobah) First Nation.

Every First Nation community in Mi'kma'ki, on or off reserve, is unique, and such diversity must be addressed when developing and implementing services for children and families. The demographic, geographic, political, economic, cultural, and social realities of each of the 17 First Nation communities in our region and the populations living in urban centres such as Halifax, Nova Scotia, Stephenville and St. John's, Newfoundland, impact the types of children and family prevention, protection, and JP services desired and required.

This report represents a collection of community voices from leadership and community-based organizations who participated in our engagement sessions. Taken together, the ORC NL&NS is proud of the options, opportunities and information provided to leadership and stakeholders in this region. The ORC is equally proud with the level of participation and the important ideas and issues raised, which are outlined within this report.

The report refers to “First Nations”, meaning the Bands. The term “organizations”, refers to on and off-reserve organizations for Indigenous people that are not the First Nation Band.

2. Scope and Engagement Process

Prior to each engagement session held in Nova Scotia and Newfoundland, the following background materials were shared with participants: The Long-Term Reform of the First Nations Child and Family Services Program and Jordan’s Principle: First Nations Workbook, the AFN bulletin - Update on First Nations Child and Family Services and Jordan’s Principle Compensation, the ANF notice on Compensation for First Nations Child and Family Services and Jordan’s Principle, the AFN brochure on Reform of First Nations Child and Family Services and Jordan’s Principle, the Immediate Measures Technical Guide, the AFN Overview of Long-Term Reform, Bill C-92 and Compensation for the First Nations Child and Family Services (FNCFS) Program and Jordan’s Principle (JP), and an engagement session facilitation guide.

Within Nova Scotia the ORC NL&NS each stakeholder (including leadership and organizations) was met with on at least two (2) occasions. At the first meeting, background on the CHRT orders, the class action, and settlement agreement were provided. A summary of the elements of the settlement agreement and proposed reforms were shared, and participants were asked to reflect on the information, to share concerns, questions, ideas, and any other input at an upcoming second session.

The second session included a presentation on the reform (aligned with the AFN power point) and group discussions where information and ideas were shared amongst the participants. Many participants had numerous opportunities to be involved beyond the two sessions, due to cross over in leadership amongst various Boards and organizations.

In Newfoundland, invitations to attend an in-person engagement session, were sent to each First Nation and AFN recognized bands. Invitation we also send out to various band departments and stakeholders who provide services or access services on behalf of First Nations children and families on the island. These included the Conne River Health and Social Services Department, the Qalipu Health and Wellness Department, the Newfoundland Aboriginal Women’s Network (NAWN), the People of the Dawn Indigenous Friendship Centre (PDIFC), and the First Light Friendship Centre.

Each engagement session in Newfoundland started with a presentation of the AFN Long-Term Reform of the FNCFS Program and JP Engagement with First Nations, November 2022, PowerPoint presentation, followed by a discussion and dialogue session.

Finally, an ORC Regional Forum occurred on November 23, 2022, where AFN was present to do a “deep dive” into the proposed reform and for discussion. All participants from prior engagement sessions were also invited to attend and participate in this event.

A) Mediums used for Engagement

Every meeting in Nova Scotia had a virtual option. The majority of the meetings were also held in-person.

All meeting in Newfoundland were held in-person.

The ORC Regional Forum had both in-person and online participation from leadership and organizations from both Nova Scotia and Newfoundland.

B) Description of Meetings and Interest Groups Engaged

In the Nova Scotia area of the region, engagements on FNCFS & JP LTR were held with the following participants:

- Nova Scotia Native Women’s Association of Nova Scotia Board – October 15, 2022
- Nova Scotia Native Women’s Association of Nova Scotia Staff – November 1, 2022
- Mi’kmaw Family and Children Services of Nova Scotia Board – October 20, 2022
- Mi’kmaw Family and Children Services of Nova Scotia Staff – November 15, 2022
- Ta’n Etlitpi’mk (Social) Staff – October 24, 2022
- Confederacy of Mainland Mi’kmaq Board – October 24, 2022
- Kwilmu’kw Maw-klusuaqn Nationhood Conference – November 9, 2022
- Assembly of Nova Scotia Mi’kmaw Chiefs – October 28, 2022
- Atlantic Policy Congress of First Nations Chiefs Secretariat All Chiefs Annual General Meeting – November 8, 2022
- Mi’kmaw Native Friendship Centre – November 29, 2022
- Tajikeimik (Health Partnership) – November 8, 2022
- Sipekne’katik Chief and Council – November 22, 2022
- Membertou Chief and Council – November 15, 2022
- Regional Forum (Hybrid) – November 23, 2022 (Leadership and Organizations invited to attend)

In the Newfoundland area of the region, engagements on FNCFS & JP LTR were held with the following participants:

Date	Group	Who?	Number
November 14, 2022	Flat Bay Band	Chief and Key Department Staff	7
November 15, 2022	NAWN	NAWN Staff, Program Coordinators, community partners in Housing and service users	23
November 16, 2022	PDIFC	Staff	7
November 20, 2022	Glenwood Band	Chief and Council	7
November 24, 2022	First Light FC	Executive Director	1

C) Regional Office Forum

The ORC Regional Forum was held on November 23, 2022, in Millbrook, Nova Scotia. The Grand Council, District Chiefs, First Nation Chiefs and First Nation organizations were all represented. It was a full day event.

AFN legal counsel attended in person and provided an in-depth review of proposed reform concepts. We then returned to each concept and had round table discussions on each.

These discussions were richly informative and often tied to stories and teachings shared by the Grand Chief and others.

It was also observed that by having prior sessions with the participants, it allowed everyone to attend with a good foundation on the issues and the opportunity to have had their own reflections and ideas before attending the Forum.

3. Lessons and Input from Engagement – Nova Scotia

The comments from the engagement sessions have been combined into topical headings.

A) General Comments

The overarching theme through all engagement sessions was the importance on the wellbeing of the child, Grand Chief Norman Sylliboy said it best by sharing “***A child is a gift from the Creator***”. In describing the concept of wellbeing, it was a global reform, both for changing the path ahead for current and future children, but also healing those impacted by past harm and breaking the pattern of trauma. Drawing again on the wisdom of Grand Chief Sylliboy who stated, “***Our Nation is rich, if our Nation is healthy***”.

With regard to Child Welfare Reform and Jordan’s Principle, there is the consistent message that it must be administered and lead **for** First Nations and **by** First Nations. The common sense, especially with Jordan’s Principle, is that while the programming is well intended, it has become a program with colonial and non-indigenous approvals, administration and oversight, without respecting or recognizing First Nation or indigenous values or input. Worst yet, it has become a business or “money maker” for the non-indigenous service providers, some of which focus on volume rather than quality of service and care.

The sessions also highlighted the need for a fully integrated approach amongst the various First Nations and organizations in the region – including both on and off reserve. Currently, there is not integration or involvement of First Nations or organizations in the current Child Welfare or Jordan’s Principle, and as a result opportunities are being lost to better service our population. Together, we can draw on expertise from our various organizations and communities, we can establish processes, standards and transparency and a matrix of services and programs that meet our actual needs and have cultural connection. In doing so, we can build capacity and make the monies more efficiently support our people, by reducing leakage to third party service providers or businesses.

B) Funding

It is difficult to quantify the approximate \$23 billion dollars and how that translates into reform programming and changes.

The initial “estimates” provided per region, may not be accurate as they did not appear to include the Qalipu population. As such, it is difficult to assess if the proposed quantum is adequate to sustain reform and services.

a. Source of Monies

A common concern amongst participants was the source of the settlement funding. Initially, there seems to be a narrative that these dollars would be “new money”; however, this message is confused by some more recent messages coming from Regional ISC offices. For instance, organizations that serve off reserve Mi’kmaq populations in Nova Scotia were just advised that there ISC Urban Program for Indigenous Peoples (UPIP) funding was cut by 2/3 (\$100 million dollars). No justification was provided for this cut. Its impact will be felt by some of the most vulnerable off reserve Mi’kmaq persons, such as those accessing shelters and service for safety and support. The financial cuts, especially to vulnerable groups, has left the appearance of “taking from our own” to satisfy a settlement agreement for Canada’s wrongdoing.

The above concern was compounded when it was shared that someone at ISC had shared that these cuts were a result of the CHRT/class action and settlement agreement, and that “the Chiefs knew it would be taken from off-reserve programming”. The Chiefs and leadership of Nova Scotia and Newfoundland deny they were aware.

b. Capital Monies

Housing on reserve is a long standing concern, with shortages in each community. Lack of housing or overcrowding has been flagged as a preventable factor to limit agency or child welfare interventions. As such, Capital monies have been identified.

The Capital monies identified are not sufficient to have a significant impact. In addition, there is concern that these capital funds would be used as set-off for other potential capital or housing funding a community may received. For instance, under the proposed Social Program for the Mi’kmaw of Nova Scotia, would a capital contribution under Child Welfare Reform be used to off-set a capital contribution under Social Program Funding? If so, then there is not a net gain.

In addition to housing needs, places of safety for temporary housing or accommodations for services is a gap. This gap is occurring both on and off reserve and is exacerbated by climbing market rents off reserve.

Off reserve organizations are having to pay rents or use funds to secure housing at great expense, to provide places of safety or other programs. If capital funds were available to the organizations, then these organizations could have capital infrastructure available that is safe, sustainable, and connected to culture and other First Nation persons. The reality is that non First Nation organizations are reaping the benefit of these costs as a business, rather than allowing the funding to be maximized in a sustainable First Nation organization owned infrastructure to serve the First Nation persons it is mandated to support.

Further, the lack of housing available within First Nation communities, results in people being forced off reserve. Once off reserve, the person does not have the same level of services available under Jordan’s Principle and prevention. This is due to the difference between on and off reserve services for Child Welfare Reform and Jordan’s Principle.

To help address this need, it is suggested that added capital for housing on reserve (that is not considered or offset from other funding pools (i.e. social funds)) is needed to prevent pushing people off reserve. In addition, capital and prevention funding also needs to be allocated for organizations to allow those First Nation persons off reserve to benefit.

C) Resources

a. First Nation - Community

Aside from the costs of providing the prevention and reform services, there is the administrative costs to a First Nation to do this work. This should be considered in addition to the base level funding.

Further, concerns were shared about the exclusion of non status persons living on reserve, but are connected to community and identify as Mi'kmaq. These persons are not included in the calculation for funding support – i.e. prevention services, post majority care, etc. For example, a child has a band member parent, but the child does not qualify for “status”. Nonetheless, they live on reserve, are Mi'kmaq, raised by Mi'kmaq and connected to community. Funding is not received for this person. It causes many questions, such as:

- Will they be allowed to access services?
- If they are not allowed, what is the liability consequence to the First Nation or child?
- Who will provide them services (fed/prov)?
- If the First Nation does provide these services, what happens if the resources become too stretched to properly administer?

This creates a service funding gap, for a growing demographic within our First Nation communities.

Instead, it is suggested to consider funding for those Band Members and those the Band deems “ordinarily resident” on reserve.

b. Mi'kmaq Nationhood

i. Education

Prevention, resources and Jordan's Principle and First Nation orientations should form part of Social Work education at the University level. Further, federal and provincial child welfare agencies should be more informed on our systems and organizations.

ii. Access to Services – On Reserve vs. Off Reserve

As outlined under “Capital Funds”, similar services need to be offered to both on and off reserve Band Members and First Nation persons, in order for them to access prevention services, post majority care, and Jordan's Principle. These services should be open and equally accessible to First Nation persons on and off reserve. Mi'kmaq persons should not have to live on reserve to access full services, support, and care.

c. Agency

The Child Welfare Agency in Nova Scotia is Mi'kmaq Family and Children Services. The Agency has concerns about transition plans and administration in child welfare reform transition.

In terms of compensation from the CHRT or Settlement, if information, documentation or support will be needed from the Agency to support a person's claim for compensation, then the Agency

will require resources and supports to do this work in addition to its normal work. It does not have capacity to take on an added role with its current staff and workload.

D) Community Based vs. Agency Based

d. Prevention

The majority of stakeholders saw that the First Nation or First Nation organizations were best situated to manage and identify prevention services. The Child Welfare Agency should not be tasked with all the prevention services.

The understanding is currently the only way for persons to access prevention services through the Agency is if 1) they enter into voluntary services, which means a file is opened; 2) under a Supervision Order; and 3) Apprehension. There is a concern if these criteria continued then people would not access prevention services.

The First Nation leaders and organizations concluded that persons would be more likely to access services that are community or organization (off reserve) based and First Nation managed, as they could be more customized by the community for the community. Further, it removes the stigma or fear that the Child Welfare Agency will be involved simply for accessing services. An example provided was that if a place of safety or shelter were operated by the Agency, then due to lack of trust in the Agency, these services would be unlikely to be used to the same level compared to if were operated by a First Nation or First Nation organization.

The community/ First Nation approach was seen as the preferred approach to prevention. It also can include the expertise of other organizations beyond the community, such as health, social assistance, education, etc. For instance, in cases of issues with housing or poverty, the community and other departments or organizations are best suited to help address this issue.

The Agency would have a role in prevention and healing for cases it is or becomes involved in. However, the goal would be to have the community and off reserve non-Agency organizations enact prevention services that would reduce the caseload for the Agency. The Agency can then focus on more serious or persistent cases.

e. Post Majority Care and Emergency

The First Nation communities and organization (i.e. off reserve organizations) can provide services and supports to keep people connected to community. In terms of emergency, the First Nation or organization knows what emergencies are occurring and can respond in a timely manner.

With respect to Post Majority Care, these children were in care and are moving to transition to a non-Agency life. This should be through community or if off reserve, through First Nation organizations (non-Agency). This allows for the post majority transition to be community and culturally based, creating connections to services outside of the Child Welfare system they can build upon, with the aim of breaking the cycle. It also allows the Agency to focus on active current child protection needs.

E) Transition and Liability

Numerous concerns were raised about how the transition of services will happen and what funding can be included, that will not take away from program funding, to fund the administration and capacity building to take on this important mandate.

If the services or programming is not being adequately provided as a result of lack of transition planning, resources, or capacity, then this can result in liability claims. First Nation communities want to have clarity on the potential liabilities, as well as the administration and transition plans, including the funding support, to allow for persons to have a smooth transition and to minimize liability exposure.

If this funding is not to support services for non status persons living in the First Nation communities (or off reserve), and is only tied to status persons, then there is a live liability question about who is responsible to provide services and protections for these individuals. For instance, if the child of a band member that does not qualify for status is denied services as they are not a status band member, then 1) does this pose liability for the First Nation or organization?; and 2) who (federal or provincial) is responsible? See also some of the questions raised in section C (a), which had potential liability exposure attached.

F) Data Sovereignty

With IT becoming a focus of collection, disclosure and use of data, the concept of who owns the data becomes important. This include information that is currently being held by Canada in relations to the federal child protection files.

As reform occurs, it will be important to clarify that IT requirements, including the types of systems needed. Key questions about who owns the data, how it will be used, who can access the data, when/how it will be disclosed, etc need to be determined.

First Nations need to control and own the data; otherwise, we are limited by how our information is used and accessed. It is imperative that we regain control of our data, its collection, use, disclosure and protection.

G) Jordan's Principle

f. On and Off Reserve

All stakeholders confirmed the need for Mi'kmaq persons to have the ability on and off reserve to access Jordan's Principle. It is essential that persons off reserve, through First Nation organizations servicing First Nation clients, have the ability to make applications for Jordan's Principle, and be provided the resources to do so. Otherwise, populations of First Nation persons who are not living within a reserve, are losing access to important services and programs.

For instance, the Jane Paul Centre (as operated through the Nova Scotia Native Women's Association) assists women and children in crisis. However, they do not have the resources or access to apply or assist in the Jordan's Principle program for their First Nation client's in need.

Another difference noted was the availability of services for post majority care under Jordan's Principle varies depending whether on reserve or off. See Age of Majority below. This is viewed by stakeholders as a measure of control by Canada, through the program, to push First Nation persons back towards a reserve in order to obtain healing services. Rather, than have access or support for those services while living in the location of their choice.

g. Indigenous Status

There is concern that persons that only "identify" as indigenous are using Jordan's Principle and its resources without having additional thresholds of authenticating if the person is in fact indigenous. The participants were clear that authenticating did not necessarily mean the person had to have status, but there needed to be more required than someone simply self identifying as "indigenous" or "Mi'kmaq".

An added concern is provincial schools are using Jordan's Principle to fund supports and resources for indigenous students rather than accessing their own budgets. It is these stakeholders view, that the province should only be using Jordan's Principle for services for indigenous students that are not covered by the province.

h. Application Process and Documentation Support

Participants had various experiences with the amount of documentation or support needed for the application processes. Some stating little to no support was needed, leading to a concern that the program may be abused or exhausted with unsupported "needs". However, others stated how onerous the process was to provide the required information.

It demonstrates an inconsistent approach to how the applications are being managed and approved. All wanted to see a simple streamlined process, where participants know what to expect and how to prepare the application and advise the clients or service providers accordingly.

i. Decision Makers

Application and the review of those application do not have consistent requirements. Further, when the application is denied, the reason provided is often the documents do not support the "Normative Standards". However, the Normative Standards are not shared or disclosed. Workers are then "appealing" the negative ruling, without knowing why they were rejected and what to correct.

The result is then asking for more documentation and support from service providers, which causes delays and depletion of resources. Valuable administration and professional service time is being spent on applications and additional documentation to support the application without knowing the standards.

Jordan's Principle decision makers often challenge the "credentials" of service providers. This means delays are added while the service provider must provide their own qualifications to support the recommended need. Further, it is clearly observed that indigenous organizations and indigenous services providers are disproportionately asked for their "credentials" over non-indigenous persons and businesses. The added insult is that credentials are being asked of elders that are there for cultural support and traditional healing. Asking for their "credentials" is not being culturally aware or providing recognition or respect to the value of indigenous culture.

It is recognized that a service provider may need to be “qualified” or approved the first time they are engaged. However, not for each file. Further, traditional knowledge and connection needs to be valued as a credential or qualification, and not just certifications.

With the Nova Scotia health care system in its current crisis state, it is already a burden with delays to access service. To repeatedly go back for more information and credentials, when the “Normative Standard” is not known or disclosed, is a waste of resources and only causes further delay and harm to the children and families.

There is no consistency or predictability in application requirements, process, or timeline. This re-victimizes the clients and causes further harm. It also lacks procedural fairness with the lack of transparency in the decision making and reasons for the decision.

In some cases, the Province says the application needs to “go to Ottawa” for approval. However, Ottawa does not understand the Provincial process, as it does not seem the same across the country. The results are inconsistent decision making and a lack of transparency.

The timeline to have applications reviewed and decisions is too long. Children are waiting months for medical and educational supports. Tutoring and child minding support appears to be the worst. For example, a student waiting 6 months for approval for tutoring, meaning they are even further behind in the school year, and 8 months for child minding supports to allow families to work and address their poverty and respite.

When case workers have Jordan’s Principle issues, there is not a complaint process. When concerns are raised by First Nation or organizations about Jordan’s Principle or the services provider selected, there is not a timely process to address these. Case workers have raised complaints about Jordan’s Principle selected service providers or places of safety, both in terms of the quality of the service, safety or exploitation of the program, only to have the service provider be mandated time and time again by Jordan’s Principle.

With Jordan’s Principle authorizing the service provider or the place of safety, without the authorization of the First Nation, First Nation organization, etc. it has the same feeling as residential schools. A parent is being told to take the child to this provider or place of safety, and that is the only place they can take them. However, the parent or First Nation/organization knows it is not safe or in the best interest of the child due to concerns about the service provider. It places everyone in a challenging situation and one we have worked hard not to repeat in our history.

It is strongly recommended that for Jordan’s Principle the administration, approval and operation of the program be with the First Nation or First Nation organizations, and not through provincial or federal government departments. This truly allows for the program to be **for** indigenous people **by** indigenous people.

If the above is not the outcome, then at a minimum, the decision on applications and selection of service providers must be **jointly approved** by the First Nation or First Nation organization and government.

j. Resources – Administrative

Issues were raised with resources to access the application process for Jordan’s Principle, with some communities having no one tasked with this role, and others waiting months for a response to an application. Newfoundland Chiefs shared they had cases where a youth was waiting 2 years

for Jordan's Principle support. Another Nova Scotia child had to wait 6 months for service reimbursement, causing a financial hardship for the family. We understand there are hundreds of other examples.

The administration costs of accessing Jordan's Principle must be considered. This would include salaries, training, and office infrastructure to allow the administration to be available and accessible to access the applications and programming.

With more dedicated workers for Jordan's Principle and accompanying training to streamline the process, this would allow workers the opportunity to provide case management and the service providers for updates. Essentially, to act as a case worker to ensure the funding is being used in a manner that is beneficial for the child/ family and that the service continued to meet the needs.

Supports should be in place for the Jordan's Principle workers as well. These employees are exposed to trauma each day, and often amongst persons within their own community. Resources and funding supports should be in place, as part of the administration costs of the program, to allow these employees to have self care and supports. Otherwise, these employees' burnout. We need their experience and knowledge, and do not want to lose them to the negative stress impacts of the work we do.

k. Transition

Concerns were raised about persons that were receiving Jordan's Principle services and how that service would be impacted if 1) a settlement is not reached; or 2) if a settlement is reached, how would the transition work? These questions remained unanswered.

l. Age of Majority

All stakeholders agreed the use of the age of majority to cut off services for Jordan's Principle is inappropriate. The Nova Scotia "Normative Standard" for post majority care is 24.

Further, it is noted that persons living off reserve are not getting post majority care at all. This would mean another gap between those living on reserve and accessing services and those living off reserve's ability to do so.

Currently, children under Jordan's Principle that hit the age of majority and are off reserve no longer qualify for continued support. There is an effort to transition them into Provincial system for care up to 24. However, this mechanism for transition does not seem to exist yet.

m. Service Providers should be First Nation or First Nation organization Approved

First Nation organizations and First Nations are more than capable of providing services or identifying proper service providers. Instead, non-indigenous organizations are being selected by Jordan's Principle and they are charging multiples more and providing sub par, and in some cases, unsafe services. There is a concern it is being treated by some service providers as a business on the backs and at the expense of our children.

If capital and program monies, and the ability to approve the service providers, is not First Nation lead then it will continue to be treated as a business.

Funding and supports can be diverted to First Nations and First Nation organizations to have the infrastructure to have places of safety and programming that is more fiscally responsible, culturally connected, culturally appropriate, safe and responsive to the client's need.

For instance, examples were shared of a place of safety for children that are charging Jordan's Principle well above market value for rents and services. In addition, concerns have been raised about the safety and quality of services. It is a non-indigenous business and there are serious concerns of unethical actions. All these concerns were raised with Jordan's Principle and yet, it continues to assign it as the service provider. Instead, if the funding was provided to the First Nation or First Nation organization (off reserve), then it could have its own safe and culturally appropriate service and do more with the money. The First Nation approach is to support and heal, not to run a business.

n. Provincial Issues

In addition to the issues raised above regarding schools using Jordan's Principle for financial support for services they otherwise should be providing, further issues have been identified.

The province (at least in Nova Scotia) does not appear to have a solid understanding of Jordan's Principle and how it works. Often, this creates hours of information sharing and resources by First Nation stakeholders to advise the province of the background, before even being able to discuss the issue. The cause of this is two-fold: 1) turn over in personnel in the Provincial Offices; and 2) the province not having orientation materials required for its employees.

The provinces social assistance program as administered through the Nova Scotia Department of Community Services, deems Jordan's Principle funding as income for the individual, which then deducts or ends their social assistance living allowance eligibility. The impact of this is catastrophic for those persons. It means accessing services for the benefit of yourself or child, only to have your living allowance funding cut or disappear. If the Jordan's Principle funding is a one time payment, the living allowance could be cut, but then to re-qualify for the living allowance, applicants must wait months to be put back into the system. In short, it places the most vulnerable in an impossible situation.

o. Roll Over Funds

For funds that are not used each year, Jordan's Principle says to "roll them over" for the next year. However, those funds cannot be used for administration, salaries or for that client again. The funds can only be used as directed by Jordan's Principle, but there is not a set of standards or rules. It is ad hoc approvals.

The result is that hundreds of thousands of dollars is being rolled over each year without allocation to help children and families or program administration. The monies should be able to be used for JP programs, administration, and urgent services, or should be sent back for re-allocation. However, sitting in an account does nothing to service or assist persons in need.

H) Compensation – Process

The settlement processes for Indian Residential Schools and Day Schools have left a negative impression of the process to compensation. It is rooted in overly complex application processes

that are written by lawyers and require documentation that may or may not exist, and unknown places where the information may be held.

The application process for compensation for Child Welfare needs to be simplified and in a manner that persons can easily understand and access. Lessons learned from previous settlement experiences, need to be reflected in this compensation process. Otherwise, the victims will be disadvantaged and frustrated by the process.

4. Lessons and Input from Engagement – Newfoundland

The following are the major concerns and priorities identified at the engagement sessions for the island of Newfoundland

First Nations Children and Family Services Program Long Term Reform

Continuation of Historical Injustices

The First Nations of Newfoundland have been historically ignored and continue to experience a lack of recognition or consideration by both the federal and provincial governments. These injustices began, when the former Premier of Newfoundland and Labrador, Joey Smallwood wrongly advised the government that there were “no Indians on the island of Newfoundland”. On his advice the 1949, Terms of Union between Newfoundland and Canada contained no mention of Aboriginal peoples, as if they did not exist in Newfoundland and Labrador. This resulted in the First Nations peoples of the province not being registered as Indians under the *Indian Act*. The Mi’kmaq in the province were unable to access or participate in federal programs and services offered to other Aboriginal peoples across Canada. “In fact, they did not exist in law and thus lacked the recognition as previously sovereign nations that their counterparts enjoyed elsewhere in Canada.”¹

Participants of the engagement sessions found that the current negotiation process for FNCFS long-term reform continued to perpetuate historical injustices against the Mi’kmaq First Nations of Newfoundland. It was felt that any long-term reform to the FNCFS Program should include the Mi’kmaq population of the Qalipu Mi’kmaq First Nation. Qalipu is the second largest band in Canada, and yet, its government and members have not been considered in the FNCFS Program long-term reform negotiations. Qalipu band members who attended the engagement sessions stated they feel that once again, they are being discriminated against and treated as “less than” their Nations other Mi’kmaq populations.

It was shared during the engagement sessions that the Mi’kmaq of Newfoundland have suffered from historical disadvantage with the forced removal of their Nations children to orphanages and boarding schools, being completely ignored and left out of the historical record of Newfoundland, a loss of access to their traditional territorial lands and waters, the criminalization of their Mi’kmaq way of life, and a loss of their culture and identity. These experiences have created trauma for their community members and has left many struggling with addictions and violence and has led to social and economic disadvantage.

¹ Maura Hanrahan, *The Lasting Breach: The Omission of Aboriginal People from the Terms of Union Between Newfoundland and Canada and its Ongoing Impacts*, 2003, at 271.

Members of the Mi'kmaw bands that have not been federally recognized in Newfoundland, such as Flat Bay and Glenwood, stated it has been a battle to try to do what is right for their band members. For instance, the Glenwood Mi'kmaw First Nation indicated that because they are not federally recognized and have no designated reserve land base they are not entitled to programs and services like other First Nations with reserve land bases can access. This is also true for Qalipu.

Participants saw the FNCFS & JP LTR as an opportunity for the federal government to uphold their fiduciary responsibilities to the children and families and a way to begin to right the historical wrongs experienced by the of the Mi'kmaq of Newfoundland, by ensuring all bands on the island are included in the provision of FNCFS & JP LTR.

When examining FNCFS long-term reform budgets for the Atlantic the total population taken into account is 25,454, which includes on-reserve and those living on crown lands. Form this number it is evident that Qalipu Mi'kmaw First Nation, which is a federally recognized band, has not been considered in the long-term reform negotiation.

Qalipu Band membership, breakdown by wards, year unknown:

Ward	Members in the Ward
Benoit's Cove	2362
Corner Brook	7601
Exploits	1466
Flatbay	913
Gander Bay	232
Glenwood	754
Port au Port	3919
St.Georges	1468
Stephenville	3959
Total	22674

Of the areas being negotiated for FNCFS long-term reform, engagement participants identified the following as priority areas for the First Nations of Newfoundland.

A) Funding and Resources

Participants identified that the FNCFS long-term reform funding models need to expand to include non-reserve land based First Nations that are federally recognized, such as Qalipu. The children and families of the Qalipu Mi'kmaw First Nation should not be forgotten about. Participants found that Qalipu is treated differently by the federal government than other First Nations. Many participants felt the federal government set up Qalipu to ensure exclusion and to make the First Nation fail.

Funding models adopted for long-term reform need to make room for a third group, the Indigenous community-based organizations. This would be a separate allotment of resources earmarked for the incorporated Mi'kmaw bands, such as Flat Bay and Glenwood, and Indigenous organizations,

such as Friendship Centres and Native Women's organizations who provide programs and services to First Nations in the province.

The main goal of the bands who participated in the engagements is to service all the First Nations people on their band list and in the surrounding area. To give them the best possible support and care that they can, but this can only be done if the bands have access to the same kind of resources and funding offered to other First Nation groups.

B) Prevention

Access to resources to enhance prevention programs and services was identified as a priority among the engagement participants. Currently many First Nations and organizations in Newfoundland are underfunded and have no way to meet the actual needs of their member children, families, and clients. Resources for prevention services in Newfoundland should be allocated to First Nations and organizations through flexible funding agreements.

Community capacity building was seen as a need among communities and organizations. Activities that focus on capacity building, both for service providers and community members would enable all members of the community, including the poorest and the most disadvantaged, to develop skills and competencies to take greater control of their own lives and contribute to inclusive local development.

Participants identified the need to enhance current and develop new prevention-based programs and services, that are culturally appropriate for the Mi'kmaw communities in Newfoundland. Priority areas for prevention programs and services include:

- Life skills programs that includes cultural teachings, language and land-based activities, such as how to cook and live o,
- Youth and family access to Elders,
- Men's specific services and programs that would include, but are not limited to:
 - Wellness and Traditional Teachings,
 - Mental Health
 - Community supports,
 - Cultural teachings,
 - Social skills,
 - Emotional health, and
 - Spiritual health
- Family Violence Prevention Programs,
- Prevention services specifically developed for 2SGLBTQQAI+ and persons with special needs,
- Off-reserve Income and Emergency Assistance Programs,
- Assisted Living Programs,
- Urban Programming for Indigenous Peoples.

C) Information and Technology

Participants discussed the need for First Nation in Newfoundland who choose to establish their own independent FNCFS program or hire First Nation Representatives must collect and own their own data. Full case management systems will need to be created.

D) First Nations Representative Services

Currently there are no First Nations Representative Services available in Newfoundland. All participants agreed that each First Nation should have a representative working for their band. These individuals could work with social workers to identify culturally appropriate services and programs in the community.

Cultural safety plans are completed in Newfoundland for Mi'kmaw and Indigenous children who are taken into care. These are complete by provincial social workers. Participants reported that currently there is no accountability in this process and no way of knowing if a child's cultural safety plan is being implemented. A First Nations Representative could help ensure a child's cultural safety plan is culturally meaningful and fully implemented.

E) Capital

To support the delivery of all the programs and services, especially Child and Family services and JP, participants stated communities and organizations need accessible buildings, vehicle fleets, and other infrastructure, in addition to human resources.

Participants identified the need for capital resources to build and expand Family Resource Centres in each of the First Nations, including in Flat Bay and Glenwood, as well as in the areas that have been identified as one of the 67 Mi'kmaw communities that form the Qalipu Mi'kmaw First Nation, and in urban settings. The Family Resource Centres would provide programs and services that would help parents, young children and those who are entering into post-majority care. These centres would support the social, cultural, economic, spiritual, and physical survival and well-being of the Mi'kmaq of Newfoundland.

Access to capital for the purchase and maintenance of vehicles for organizations who provide services to community members was identified as a need for the Mi'kmaq of Newfoundland. Participants reported that transportation was a major barrier to children and families, given the rural locations of many Mi'kmaw communities. Participants stressed the need for First Nations and bands in Newfoundland to be able to provide transportation services to children and families so they may access prevention, employment, and medical services.

Access to safe homes that provide safe living condition, and access to resources to assist families with home modifications for children and persons with disabilities was identified as a need among the Mi'kmaq communities in Newfoundland, both rural and urban.

F) Emergency Fund

Access to emergency funds should be flexible. Participants stated that First Nations and organizations should be able to declare when an emergency is happening in order to trigger the release of funds.

G) Post-Majority Support Services

Engagement participants identified the need to support First Nation Youth across Newfoundland as they move into post-majority care (PMC). Resources should be provided to Indigenous organizations, First Nation Agencies and First Nations to develop and provide services to youth moving into post-majority care.

There was consensus at each engagement session that youth moving to PMSS resources and assistance to find, secure and maintain housing. Resources should be available to assist young people access basic items that child welfare agencies require families to have before a child is returned to the home, such as pots, beds, dressers, etc.

Indigenous organizations who provide options to First Nation youth should be supported and provided with resources to ensure continued programming and support services are available locally, when youth need them. Referral to local Indigenous organizations should be encouraged by social workers. It must be understood that First Nations have different cultures and ways of interaction and living.

Jordan's Principle Long-Term Reform

The Current JP Situation in Newfoundland is Grossly Unfair to Children and Families

Currently on the island of Newfoundland there is only two JP Coordinators tasked to serve the entire province of Newfoundland, one in Miawpukek who has a newly hired administrative assistant and the second JP Coordinator is a new hire for Qalipu Mi'kmaw First Nation. JP is a service that applies to all Indigenous children on the island of Newfoundland. The current estimated population of Mi'kmaq First Nations on the island is roughly 23,674. This number accounts for only the membership of Qalipu Mi'kmaw First Nation and the on-reserve population of Miawpukek Mi'kmaw First Nation.

A) Funding and Resources

Throughout the engagement sessions participants identified that there is a serious lack of resources to adequately implement JP in Newfoundland properly and fully. Shortcomings of the current structure included: the inability to reach the JP Coordinator at times, long wait times for assessments (some lasting up to two years for required assessments), the requirement to access JP through Nova Scotia based JP Coordinators, and

Participants at all engagement sessions noted that the current JP structure in Newfoundland must change. There is a need to expand how the current JP services are being coordinated in the province to better respond to the needs of First Nation children and families and ensure services and resources are available when children and families need them.

The Flat Bay Band, the Glenwood Band, NAWN, and the two Friendship Centers in Newfoundland, PDIFC and First Light FC all expressed an interest in housing JP Coordinators for their communities and clients.

The Flat Bay Band created a draft rough concept on how JP could be structured to better serve the First Nations population in Newfoundland (**see Appendix A**). The JP rough concept was created to generate discussion among the AFN recognized bands of Newfoundland and

Indigenous organizations. The rough concept is currently being shared among the First Nations and Indigenous organizations in Newfoundland for comment and feedback.

To further enhance the JP rough concept for Newfoundland, it was suggested that a JP Implementation Working Group should be established. The working group would bring together all those First Nations, under their chosen representative bodies, affected by the implementation of JP to review and provide input into the JP concept paper. Once the concept paper has been reviewed the intention would be to develop a proposal for government to consider and implement in Newfoundland.

B) Case Management and Data Management

It was noted that continuous case management would allow for wrap around services. Each case manager would need to conduct an environment scan of all currently existing programs and services available in their area. The case management system would look holistically at the services and supports needed by the child and the family.

In terms of case management and data management, participants identified the need to collect and track data in a similar manner. It was discussed that a common case management data base should be created to ensure constant and clear standards for the implementation of JP. A common case management system would also help ensure seamless transitions in services and programs if a child or family must relocate to another area of the province.

Having a separate JP data base owned and operated by the Mi'kmaq of Newfoundland, would also allow for the identification of programs and services that are working well and where gaps in current services are. This information would allow First Nations and organizations the ability to develop new programs and services based on the actual needs of children and families.

C) Networking and Self-Care for JP Coordinators

It was raised by participants that JP Coordinators will need access to proper resources to ensure they have access to training, professional development, networking and knowledge sharing opportunities, and self-care. Initial training and on-going professional development opportunities. Professional development could include seminars on various disabilities, trauma informed practice, vicarious trauma, suicide intervention, community programs and services, information technology, etc.

Participants stated that JP Coordinators and workers should have access to networking and knowledge sharing opportunities. These opportunities should be held at the provincial level as well as an Atlantic level. Space needs to be created for JP workers and service providers to come together to network and share knowledge.

Vicarious trauma and worker burn out were raised as concerns for JP Coordinators and workers. All those working in JP should have access to self-care tools and retreats. Support for JP Coordinators need to be in place and properly resources.

D) Access to Housing and Employment

Participants identified the need for families caring for children with special needs to be able to access resources to assist with home modifications. At the engagement sessions, it was also discussed that as children with special needs begin to reach the age of majority, they should have access to supportive housing. These homes would help support their transition into independent living. Under a case management models of JP service provision, JP Coordinators could work with those living on the home with medications, navigating who support services exist in their area, make referrals, and help identify employment opportunities for people with varying abilities.

Participants also identified the need for Housing Navigators and individuals who can help families and individuals with landlord tenancy issues. Many times, people do not complain about their living conditions out of fear and a lack of knowledge of their rights and legal processes.

E) JP Appeals Process and Judicial Review

Engagement participants indicated that the current appeals process for JP referrals is cumbersome and not accessible for most families. It was identified that many families who access JP are in distress and the appeals process adds extra stressors that cause many families to not shy away from filing appeals.

Participants stated there needs to be resources available for families who want to appeal a decision under JP. It was also recommended that a new appeals process that is more local to families and communities should be developed.

F) Access to Transportation

Many of the Mi'kmaw communities are located in rural areas. Throughout all of the engagements the need to address transportation issues for children and families was raised. Organizations reported that when they have been able to provide transportation services, they experienced 100% uptake on the program or services. When an organization was unable to provide transportation the uptake on the program or service was down by 40%.

5. Conclusion

The message heard clearly and consistently can be summarized as follows:

First Nation leadership and organizations are all encouraged by the concepts for First Nations Children and Family Services and Jordan's Principle long-term reforms. The theme of First Nation lead was at the forefront, with a focus on ensuring the wellbeing, health, safety, of the communities, families and children of the Nation.

One community and one organization alone cannot do this work. It will require an integrated approach of our First Nations, leaders, and Indigenous organizations. Our region is ready to do this work and create a path forward that is stronger, healthier, collaborative, and culturally focused. These are our children, our families, our history, and our future.

Appendix A



NO'KMAQ VILLAGE
FLAT BAY BAND, INC.

Tel: 709-647-1370 Line 2: 709-275-3010

Fax 709-275-3330

10 Band Rd. Flat Bay W **Postal: Box 15 Site 2, Flat Bay, NL A0N1Z0 **Email: flatbayband@gmail.com ** Web: www.flatbayband.ca

Rough Concept for Jordans Principle

Develop three (3) JP Hubs

1. Western – Flat Bay Band Inc. as Sponsor
2. Central – Conne River (Miawpukek) as Sponsor
3. Avalon – St. Johns (First Light) as Sponsor

Each hub would operate the same way so as to keep consistency and organization. All three would perform all aspects.

*Intake

*Advocacy

*Payments

*Case Manager

*Engagement

The objective is to build Customized Individual Support Service Plans (CISSPs), which brings in or refers the youth (client) to ALL accessible wrap-around services necessary to see the client thrive; social, economically, health, education, daily living, and culture.

ISSP Plans involve all key service providers (including band councils) who are accessible to the client location (Indigenous community) combining all relative services, opportunities, funding, events, and resources that are available to serve the client during BOTH youth and adult years. Case Managers and partnering Service providers assist the JP clients from cradle to grave.

Supports available are mapped out and where there are gaps of much needed services, the hubs could have flex funding to fill the need. But in addition, the Coordinator would be responsible for seeking all funding and programs available and applying for them (or assisting) for each band community served. The Coordinator will also be responsible for voicing community gaps to government and voicing areas for policy change.

COSTS PER HUB

*Coordinator (Intake and Engagement)	\$25 per hour plus	15% MERC	\$110 life
*Case Manager	\$32 per hour plus	15% MERC	\$110 life
*Financial Assistant	\$22 per hour plus	15% MERC	\$110 life
*Advocation (HR Team or Council)	In-kind		
*Office space	In-kind		
*Office Technology	\$1,300		
*Mobile Technology & Presentation equip	\$3,000		
*Professional development	\$3,000 per year		
*Travel for Case Manager	\$11,000 per year		
*Travel for Coordinator	\$4,400 per year		
*Cell phone for Case Manager	\$100 per month		
*Flex Funding	\$100,000 per year		
*Administration	15% of above per year		

JP Family Resource Centers

Operations

*Flat Bay	Expansion of band	\$250,000	\$100,000 per year
*St. Georges	Expansion of band	\$250,000	\$100,000 per year
*Stephenville *Crossing	New Build	\$600,000	\$160,000 per year
*Stephenville	New Build	\$600,000	\$160,000 per year
*Port au Port E	Expansion of band	\$250,000	\$100,000 per year
*Port au Port W	Expansion of band	\$250,000	\$100,000 per year
*Burgeo	New Build	\$600,000	\$160,000 per year
*McKays	Expansion of band	\$250,000	\$100,000 per year
*Benoits Cove	New Build	\$600,000	\$160,000 per year
*Corner Brook	New Build	\$600,000	\$160,000 per year
*Conne River	Expansion of band	\$250,000	\$100,000 per year
*Exploits	New Build	\$600,000	\$160,000 per year
*Glenwood	Expansion of band	\$250,000	\$100,000 per year
*St. Johns	Expansion of First Light	<u>\$300,000</u>	\$100,000 per year
		\$5,650,000	