



BC ASSEMBLY OF FIRST NATIONS

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BCAFN 18th ANNUAL SPECIAL CHIEFS MEETING
March 9 & 10, 2022
Online via Zoom

Resolution 02/2022

SUBJECT: **CALL TO ENSURE THE FINAL SETTLEMENT AGREEMENT ON LONG-TERM REFORM OF THE FNCFS PROGRAM AND JORDAN'S PRINCIPLE INCLUDE LEGALLY-BINDING FUNDING REQUIREMENTS**

MOVED BY: **CHIEF DON TOM, TSARTLIP FIRST NATION**

SECONDED BY: **CHIEF JAMES HOBART, SPUZZUM**

DECISION: **CARRIED**

WHEREAS:

- A. *An Act respecting First Nations, Inuit and Métis children, youth, and families* (the "Act") was brought into full force and effect on January 1st, 2020, with the purpose of affirming the inherent right of self-government, which includes First Nations jurisdiction over child and family services, and to contribute toward the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*;
- B. the preamble of the *Act* acknowledges the need for funding for child and family services to be predictable, stable, sustainable, needs-based, and consistent with the principle of substantive equality, but does not contain a statutory funding commitment directed at ensuring First Nations re-assuming jurisdiction over child and family services will be provided with the required funding from Canada;

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- C. the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement through legislation, affirms:
- Article 18:** Indigenous peoples have the right to participate in decision-making matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- Article 21(2):** States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities;
- D. Canada has a long-standing history of developing and implementing discriminatory funding programs, as was found by the Canadian Human Rights Tribunal which stated that Canada's "design, management and control of the First Nations Child and Family Services (FNCFS) Program, along with its corresponding funding formulas and the other related provincial and territorial agreements have resulted in denials of services and created various adverse impacts for many First Nations children and families living on reserves";
- E. on December 31, 2021, the First Nations Child and Family Caring Society of Canada, Assembly of First Nations, Attorney General of Canada, Chiefs of Ontario, and Nishnawbe Aski Nation entered into an, *Agreement-in-Principle on Long-term Reform of the First Nations Child and Family Services Program and Jordan's Principle* which sets out certain funding commitments by Canada and commits Canada to reform its First Nations Child and Family Services ("FNCFS") Program, but does not expressly establish any funding commitments by Canada for those First Nations that are working to re-assume jurisdiction over child and family services pursuant to the *Act*;
- F. it is in the interests of First Nations that the Final Settlement Agreement on long-term reform of the FNCFS program include legally binding commitments by Canada to provide the required funding to First Nations that are working to re-assume jurisdiction over child and family services pursuant to the *Act*; and
- G. by Resolution 2017-06, the BCAFN Chiefs-in-Assembly recognized that each First Nation has the right to determine and develop their own child, youth and family safety and well-being models, legislation, regulations, policies and practice standards, and fully

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supported any and all First Nations in exercising their respective jurisdiction and authority over the care and well-being of their children, youth and families.

THEREFORE BE IT RESOLVED THAT:

1. the BCAFN Chiefs-in-Assembly fully supports the need for legally-binding funding commitments in the Final Settlement Agreement on Long-Term Reform of the First Nations Child and Family Services (FNCFS) Program, ensuring First Nations are adequately resourced as they stand up jurisdiction over child and family services;
2. the BCAFN Chiefs-in-Assembly calls upon Canada to ensure that the Final Settlement Agreement will include a specific, clearly articulated federal commitment to provide predictable, sustainable, stable, needs-based funding, consistent with the principle of substantive equality, for First Nations who are working toward, or have re-assumed, jurisdiction over child and family services pursuant to the federal *Act respecting First Nations, Inuit and Métis children, youth, and families* (formerly Bill C-92);
3. the BCAFN Chiefs-in-Assembly directs the Regional Chief and staff to work with the First Nations Summit and the Union of BC Indian Chiefs as the First Nations Leadership Council (FNLC), and with the Assembly of First Nations to ensure the inherent rights of Nations and the proper collaboration and cooperation with Right Holders in the best interests of First Nations children and families in BC are properly acknowledged and represented within the Final Settlement Agreement; and
4. the BCAFN Chiefs-in-Assembly directs the Regional Chief and staff to advocate as part of the FNLC with Canada, the Assembly of First Nations, and other parties to the case in an effort to secure a federal commitment to funding, as articulated above, is included in the Final Settlement Agreement.

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