



The Ongoing Struggle for Implementation of Jordan's Principle: Challenges to the Provision of Equitable Services for First Nations Children

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**Based on: Jordan's Principle Working Group (2015) Without Denial, Delay or Disruption: Ensuring First Nations Children's Access to Equitable Services. Assembly of First Nations; Ottawa, ON.*

- Jordan River Anderson (October 22, 1999–February 2, 2005)
 - Hospital team approved his release from hospital when he was 2
 - federal and provincial government disagreed over payment for in-home service
 - Passed away in hospital– never spent a day in a family home
- First Nations children susceptible to jurisdictional disputes
 - Federal, provincial/territorial & First Nations governments share responsibilities
 - Disputes between government departments also occur (e.g. AANDC & FNIHB)
 - On-reserve funding/service gaps and disparities well documented
 - Growing body of research evidence and voluminous anecdotal evidence of jurisdictional disputes involving First Nations children

Jurisdictional dispute

Results from ambiguity over responsibility for,
or underfunding of, services for a First Nations child

Lower quality of services

Fewer services in-home or in-community, less access to diagnostic
& prevention services, service providers with lower credentials,
lower levels of supports/funding, etc.

Increased intensity intervention

Including institutional care

Extraordinary efforts to access services

Family relocation, out of
pocket payment,
fundraising/humanitarian
efforts, etc

More than
8,900
individuals and
organizations
signed on as
supporters



Where a jurisdictional dispute arises between two government parties (provincial/ territorial or federal) or between two departments or ministries of the same government, regarding payment for services for a Status Indian child which are otherwise available to other Canadian children, the government or ministry/department of first contact must pay for the services without delay or disruption. The paying government party can then refer the matter to jurisdictional dispute mechanisms. In this way, the needs of the child get met first while still allowing for the jurisdictional dispute to be resolved.

- First Nations Child & Family Caring Society of Canada (2011)

Unanimous
adoption of a
motion of
support by the
House of
Commons:
2007

Resolution reached through case conferencing at the local level

No time frame specified

A First Nation child needs services other children are entitled to but neither government will pay...

1

1. Does the case involve a jurisdictional dispute between a provincial and federal government?
2. Does the First Nation child live on reserve?
3. Have they been assessed and have been found to have multiple disabilities requiring services from multiple providers?

YES

2

Referral to focal point if not resolved at local level

No time frame specified

NO

The services required by the First Nations child are not paid for by either government

- Contact information for focal points not publicly available



- Required documents:
 - assessment from a health or social service professional
 - information on current proposed service plans
 - report of the issue/reason for referral to the focal point
 - summary of steps taken to resolve the issue
- Focal point makes decision
- No appeal process



If not resolved at the focal point level, relevant asst. deputy minister decides whether to declare a jurisdictional dispute

No time frame specified



Resolution at focal point level

Within an additional 45 work days



Focal point will hold an initial case conference meeting with focal points from other parties

Within 10 work days of receiving necessary information

5

4

3



6

Relevant asst. deputy minister notifies responsible counterpart in fed/prov. Ministry, in writing, of a jurisdictional dispute and requests to enter into dispute resolution process

No time frame specified

Counterpart Asst. deputy minister responds to request to enter into dispute process from primary asst. deputy minister. If accepted, Jordan's Principle jurisdictional dispute is declared.

Within a reasonable time frame

7

8

Jordan's Principle Declaration

YES

NO

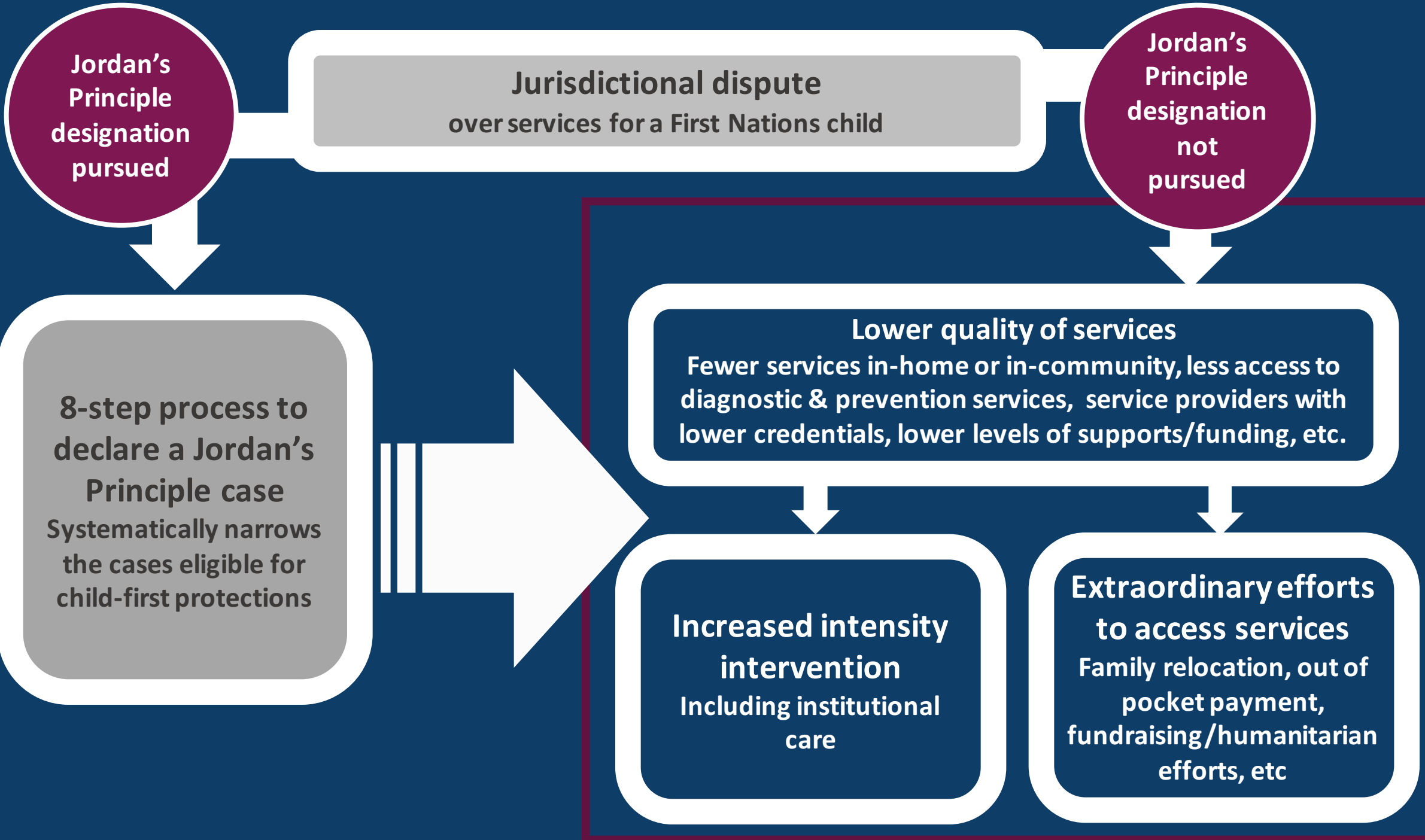
Once a Jordan's Principle dispute is declared, and the service is deemed by the province as a provincial/territorial normative standard, then the First Nation child finally receives services

The services required by the First Nations child are not paid for by either government

“There are currently no outstanding jurisdictional disputes involving Jordan's Principle in Canada.”

Statement issued by the office of AANDC Minister
(February 2015)





Jordan's Principle designation pursued

Jurisdictional dispute over services for a First Nations child

Jordan's Principle designation not pursued

8-step process to declare a Jordan's Principle case
Systematically narrows the cases eligible for child-first protections

Lower quality of services
Fewer services in-home or in-community, less access to diagnostic & prevention services, service providers with lower credentials, lower levels of supports/funding, etc.

Increased intensity intervention
Including institutional care

Extraordinary efforts to access services
Family relocation, out of pocket payment, fundraising/humanitarian efforts, etc



- Jordan's Principle must apply to:
 - All cases involving status or status-eligible First Nations children
 - All cases involving jurisdictional ambiguity or underfunding
 - All inter- and intra-governmental disputes
- Jordan's Principle must operate as a true child-first principle
- Individual cases must lead to systemic remedies
- There must be consistent standards for repaying the costs of services provided during Jordan's Principle Processes
- Measures of transparency & accountability must be incorporated at the:
 - case level
 - policy/program level
- First Nations must be included as true partners in development & implementation

What can you do?

- Learn more about Jordan's Principle:
 - www.JordansPrinciple.ca
- Pay attention to service gaps and disparities
 - Develop resources for comparing services for First Nations children to those available to other children
- Know your Jordan's Principle focal points
 - Call your regional AANDC and FNIHB offices to find out who they are
- Advocate
 - For others to learn about Jordan's Principle and service gaps/disparities
 - For individual clients/patients
 - For endorsement and active support for Jordan's Principle from institutions/collectives/leaders

This presentation is based on a multi-year project undertaken by the Jordan's Principle Working Group:

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The full report of the Jordan's Principle Working Group is available on the AFN website:

http://www.afn.ca/uploads/files/jordans_principle-report.pdf

For background information on Jordan's Principle:

<http://www.jordansprinciple.ca>

<http://cwrp.ca/jordans-principle>

Thank you!

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