



Jordan's Principle: A Navigator's Perspective

Joint Gathering - Toronto

May 14, 2019

On behalf of the Ontario Indigenous Jordan's Principle Navigators

April Sawanas NAN

Leeann Shimoda RSSW Independent First Nations

Tyler Waddilove Union of Ontario Indians

And **Indigenous Services Canada**

Vanessa Fallon

Ontario Indigenous Jordan's Principle Navigators



Ontario - Jordan's Principle Indigenous Navigators

- **Independent First Nations:**

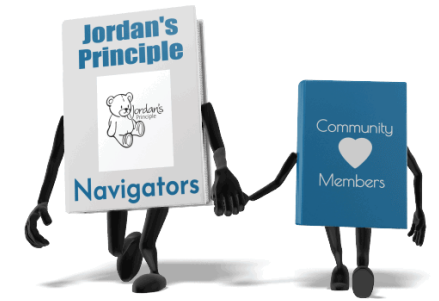
Leeann Shimoda RSSW Port Elgin 519-705-5830

leeann@ifnc.ca



Crystal Nayanookeesic Shawanaga 807-355-0062

crystal@ifnc.ca



Animibiigoo Zaagi'igan Anishinaabek (AZA); Bear Island (Temagami); Bkejwanong Territory (Walpole Island); Bingwi Neyaashi Anishinaabek (BNA (Sand Point)); Saugeen; Iskatewiaagegan (Shoal Lake #39); Kitchenuhmaykoosib Innunuwig (Big Trout); Mohawks of Akwesasne; Neyaashiinigmiing (Chippewas of Nawash (Cape Croker)); Shawanaga; Wabaseemoong (White Dog); Whitesand

- **Association of Iroquois & Allied Indians:**

Vacant

Batchewana First Nation; Caldwell First Nation; Delaware at Moravian Town; Hiawatha First Nation; Tyendinaga; Oneida; Wahta

- **Grand Council Treaty 3:**

Rachel Copenance-Cary Kenora 807-548-4214 ext:209

healthassistant@treaty3.ca



Animakee Wa Zhing 37; Grassy Narrows; Buffalo Point; Couchiching; Eagle Lake; Shoal Lake #40; Lac La Croix; Lac des Mille Lacs; Lac Seul; Big Grassy; Mitaanjigamiing; Naicatchewenin; Big Island; Whitefish Bay; Nigigoonisiminikaaning; Northwest Angle 33; Obashkaandagaang; Ochiichagwe'Babigo'Ining; Onigaming; Rainey River; Sagkeeng (Fort Alexander);; Seine River; Wabauskang; Wabigoon Lake; Wauzhushk Onigum

- **Nishnawbi Aski Nation:**

April Sawanas Thunder Bay 807-625-4931

aswawanas@nan.on.ca



Aroland; Attawapiskat; Bearskin Laker; Beaverhouse; Brunswick House; Cat Lake; Chapleau Cree; Chapleau Ojibwe; Constance Lake; Deer Lake; Eabametoong; Flying Post; Fort Albany; Fort Severn; Ginoogaming; Hornepayne; Kasabonika; Kashechewan; Keewaywin; Kingfisher Lake; Koocheching; Lac Seul; Long Lake #58; McDowell; Marten Falls; Matachewan; Mattagami; Mishkeegogamang; MIssanabie; Mocrebec; Moose Cree; Muskrat Dam; Neskatinga; Nibinamik; North Caribou; North Spirit Lake; Pikangikum; Poplar Hill; Sachigo Lake; Sandy Lake; Slate Falls; New Post; Wahgoshig; Wapekeka; Wawakapewin; Webequie; Weenusk; Whitewater; Wunnumin

•Six Nation of the Grand River:

Angel Panag Ohsweken 289-332-0024

jpfocuspoint@sixnations.ca



•Union of Ontario Indians:

Christian Herbert Nipissing FN 705-497-9127
Tyler Waddilove Muncey FN 519-280-3766

Christian.Herbert@Anishinabek.ca
Tyler.Waddilove@Anishinabek.ca



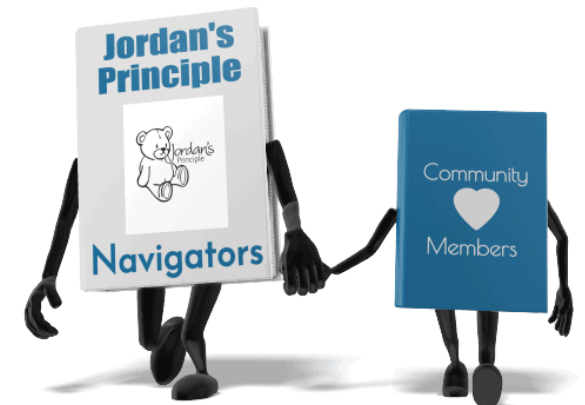
Aamjiwnaang; Kettle & Stoney Point; Chippewas of Thames; Munsee-Delaware; Alderville; Georgina Island; Curve Lake; Pikwakanagan; Beausoleil; Rama; Scugog: Dokis; Atikameksheng Anishnawbek; Aundeck Omni Kaning; Henvey Inlet; Magnetawan; Mississauga; Moose Deer Point; M'Chigeeng; Nipissing; Sagamok; Sheshewganing; Garden River; Thessalon; Serpent River; Wahnapiatae; Wasauksing; Whitefish River; Wikwemikong; Zhiibaahaasing; Pic River; Namaygoosisagagun; Long Lake #58; Michipicoten; Rocky Bay; Fort William; Pay Plat; Pic MObert; Red Rock

Indigenous Services Canada Ontario Focal Points:

Vanessa Follon 1-613-618-1833 Vanessa.follon@Canada.ca

Toll Free number 1-855-JP-CHILD (1-855-572-4453)

sac.jordonsprincipleon-principedejordan.isc@Canada.ca



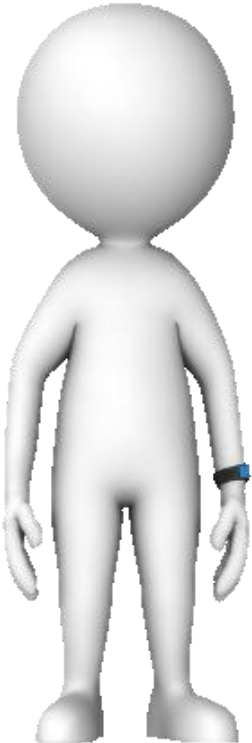
What is Jordan's Principle (JP)



- In response to the Canadian Human Rights Tribunal decision
- To resolve financial and jurisdictional disputes between and within governments (federal or provincial) as to who pays for services provided to First Nation children
- Governments (provincial or federal) or the departments of governments that has first contact pays then worries about re-imbursement

- Payment disputes within and between federal and provincial governments over services for First Nation children are not uncommon.
- First Nation children are frequently left waiting for services they desperately need, or are denied services that are available to other children living in the same province who are not First Nation.
- This includes services in:

education
health care
childcare
recreation
culture
language.



waiting
waiting
waiting



Background

Jordan River Anderson was a First Nation child from Norway House Cree Nation in Manitoba born with a rare disorder who required hospitalization from birth. The provincial and federal governments could not agree on who was financially responsible for his care in a medical foster home.

Jordan's condition worsened and he passed away in hospital before both government levels could resolve who would pay for provided services.

December 12, 2007, the House of Commons unanimously supported a Private Member's motion. The motion focused on adopting an approach that addresses First Nations children's needs first

2008 INAC and HC were tasked with implementing Jordan's Principle

January 2016 the Canadian Human Rights Tribunal ordered the Government of Canada to cease applying a narrow definition and take measures to implement its full meaning and scope



In Memory and celebration of the life of
Jordan River Anderson
October 22, 1999–February 2, 2005

Whose life changed the lives of our children



Jordan's Principle



- The Government of Canada committed up to 382.5 million over a 3 year period to this proactive response – to March 31, 2019 – This was not sufficient as this was spent within the first Year and a half
- A new 3 year commitment of 1.2 billion dollars for the 3 years of 2019-2022 announced in March 2019
- This service access resolution fund will be administered by the Department of Indigenous Services (amalgamation of Health Canada (HC) and Indigenous and Northern Affairs Canada (INAC))
- Support is provided on an individual Needs basis
- Jordan's Principle is a CHRT order **NOT** a government funded program

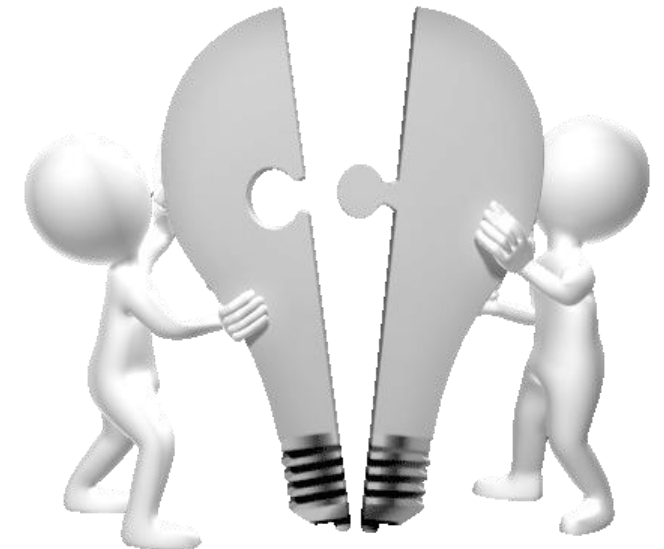
Who is eligible



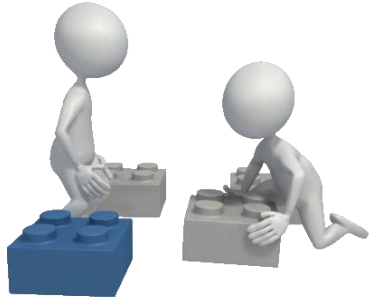
- Registered First Nation children living on or off reserve
- Not had their 18th birthday
- First Nation children entitled to be registered, under the Indian Act
- First Nation children who as of Dec 22, 2017 are eligible for status under Bill S-3
- Non-status indigenous children who are ordinarily resident on reserve
- Non-status indigenous children who do not reside on the reserve but are facing an urgent and/or life threatening need and are recognized by their First Nation as members
- Inuit
- The definition of First Nation Child is still being discussed between the Caring Society and other interested parties

Sample of services that have been covered to date:

- **Respite care**
 - Mental health services
 - Occupational Therapy
 - Physiotherapy
 - Services for children in care
 - Medical supplies and equipment
 - **Special education supports and services**
 - Vehicles
 - Assistive Technology –devices and programs i.e. Lap tops/ipads/C-Pens
 - **Traditional Healer Services and counseling**
 - Land based therapy i.e. equine Therapy, Outdoor camps
 - Vision training
 - **Psycho-education Assessments, FASD assessments**
 - Specialized formulas and dietary requirements
 - Fencing, security systems
 - Tutoring services
 - Specialized camps
 - Dental - limited
- Weighted Blankets
 - Laundry Detergents
 - Glasses
 - Specialized treatment programs**
 - Transportation to appointments
 - Visiting Elders**
 - Speech therapy
- Mould remediation
 - Decks
 - ATV's
 - Beds – Household furniture
 - Reimbursements of services
 - Child care/daycare**



How the Process works



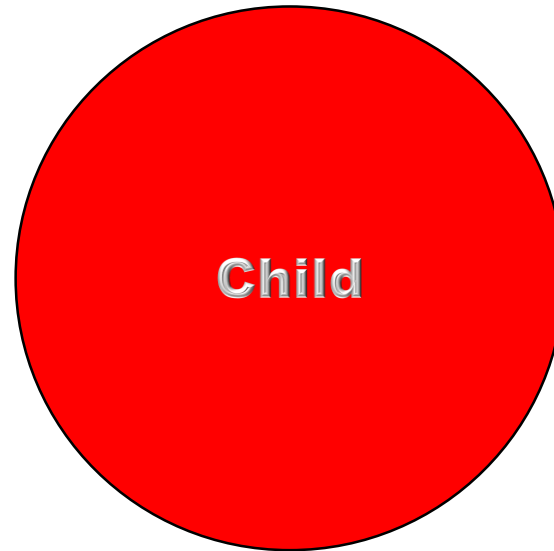
Family - Community - Service Provider - DISC
contact Indigenous Jordan's Principle Navigator



Jordan's Principle Navigator sends:
Consent Form
Intake Form
Paperwork Arrives at the
Office of the Indigenous Jordan's
Principle Navigator



Paperwork Arrives at the
Office of the Indigenous Jordan's
Principle Navigator



Indigenous Jordan's Principle
Navigator develops relationship with
service provider/individual as
payments are facilitated



Indigenous Jordan's Principle Navigator
sends and emails:
Letter of Approval -Direct Deposit form
Forms relative to request i.e. Mileage
claim form/ respite/reimbursement



Indigenous Jordan's Principle Navigator
assesses – gathers additional documents
sends file to Indigenous Services
Canada for review



When considering requests, please take into account the specific needs of the child such as:

1. Does the child have heightened needs for the service in question as a result of an historical disadvantage?
2. Would the failure to provide the service perpetuate the disadvantage experienced by the child as a result of his or her race, nationality or ethnicity?
3. Would the failure to provide the service result in the child needing to leave the home or community for an extended period?
4. Would the failure to provide the service result in the child being placed at a significant disadvantage in terms of ability to participate in educational activities?
5. Is the provision of support necessary to ensure access to culturally appropriate services?
6. Is the provision of support necessary to avoid a significant interruption in the child's care?
7. Is the provision of support necessary in maintaining family stability?, as indicated by:
 - the risk of children being placed in care; and
 - caregivers being unable to assume caregiving responsibilities.
8. Does the individual circumstance of the child's health condition, family, or community context (geographic, historical or cultural) lead to a different or greater need for services as compared to the circumstances of other children (e.g., extraordinary costs associated with daily living due to a remote location)?
9. Would the requested service support the community/family's ability to serve, protect and nurture its children in a manner that strengthens the community/family's resilience, healing and self-determination?

"It is about the Aboriginal perspective; picture yourself in the community, and see it [the request] from that perspective"

*October 30, 2017 interview
with Justice Mandamin*

SUBSTANTIVE EQUALITY



Other CHRT funding Available to Communities

- Enhanced funding – group application

90% of the current Jordan's Principle funding has gone into Enhanced funding however not **ALL** communities have equally access this funding

Desire to shift from a proposal based system

- Mental health retroactive to Jan 26, 2016
- Band Representative funding
- Immediate relief Prevention



How to appeal a Denial

Appeals to decisions under Jordan's Principle can be sent to regional representatives across Canada. They will help you start the appeal and work with you throughout the process.

If a request is denied, the requester may appeal the decision within **1 year** of the date of denial. To do so, they must send in a written request to their regional Jordan's Principle representative.

At a minimum, the request for appeal must contain:

- the child's name and date of birth
- the product/service requested
- the date of denial

Although it is not required to initiate an appeal, you may also include additional information, such as:

- assessments
- information to assess [substantive equality](#)

The appeal process can take up to 30 business days.

Sending a request for appeal

An individual can appeal a decision on behalf of a First Nations child, if they are:

- a parent or guardian of a First Nations child
- a First Nations child above 16 years of age
- an authorized representative of the child, parent or guardian

Requests for appeals for a group of children from multiple families or guardians can be submitted by:

- the community or group that submitted the request
- new information about any request under Jordan's Principle that was submitted or denied between 2007 and 2017

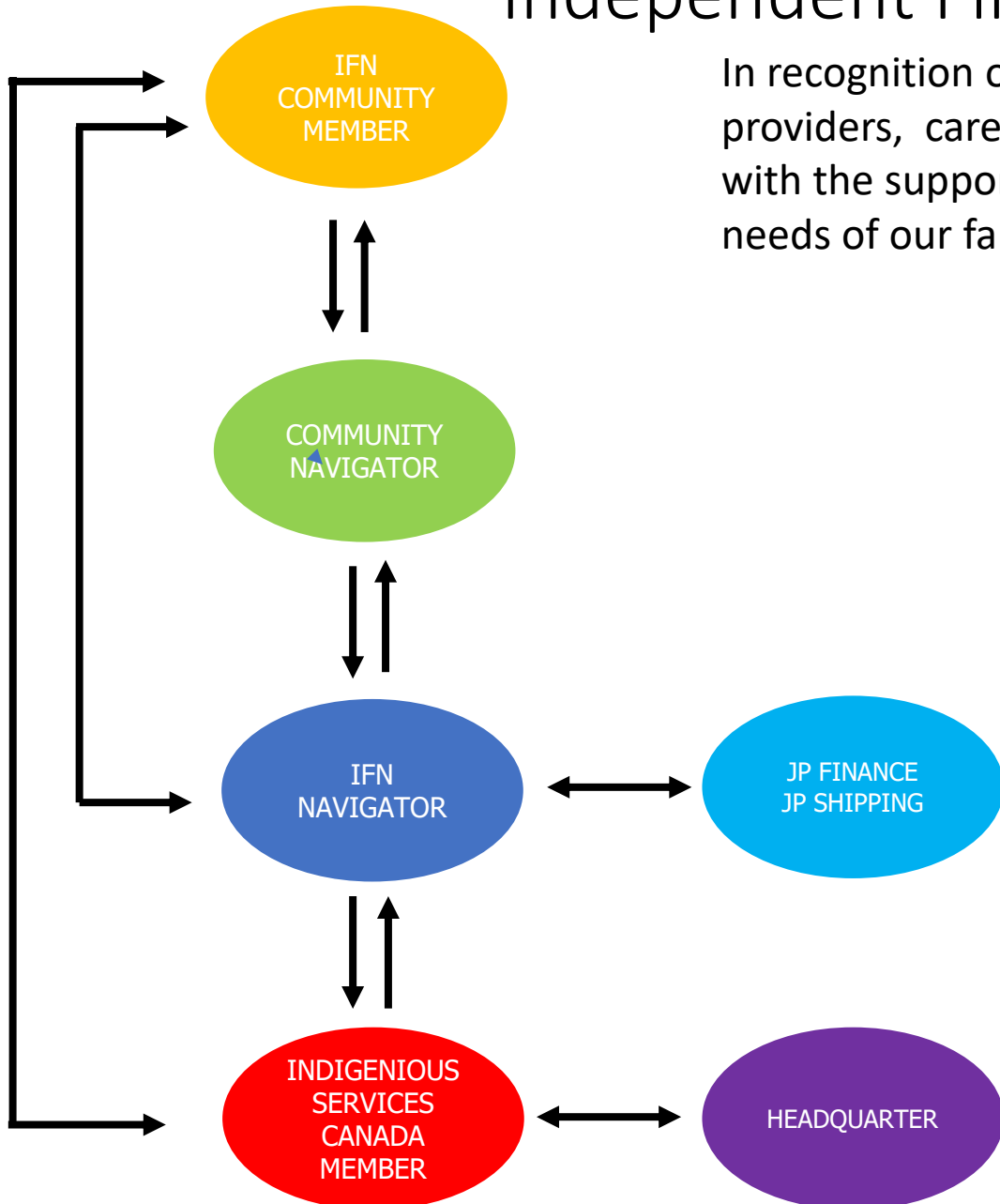


Opportunities for change - Challenges

- Inconsistency in adjudication/approvals
- Improved communication between ISC and the Indigenous Navigators on changes and updates,
- Better understanding on ISC processes so that services can be better delivered to our children
- Adopt the ideas and address the concerns from the front line indigenous navigators.
- Slow payment processes leading to the loss of vendors, caregivers, and supports.
I hope that I don't have to wait all over again as I am a struggling as it is. 😞
- The 48 hour response is not always being met
- Applications going to headquarters for several weeks without review, approval or denial
- The amount of paperwork required to receive funding can be overwhelming to families, workers, communities, and Navigators
- Rolling out the Enhanced funding at the same time as individual funding has created chaos
- 24 hour urgent file timelines not always being met

Independent First Nations Jordan's Principle Pilot Project

In recognition of some of the challenges faced by First Nation children, service providers, caregivers, families, and communities, Independent First Nations, with the support of ISC developed a PILOT Project designed to better meet the needs of our families and our communities



HOW IT WORKS

Indigenous Services Canada remains the reviewer of **ALL** applications as per the ruling by the CHRT– they say yes or they say No

Independent First Nations - have assumed the payment and shipping processes

BENEFITS

Independent First Nation's members experience: Quicker payment to Service Providers, families, and caregivers

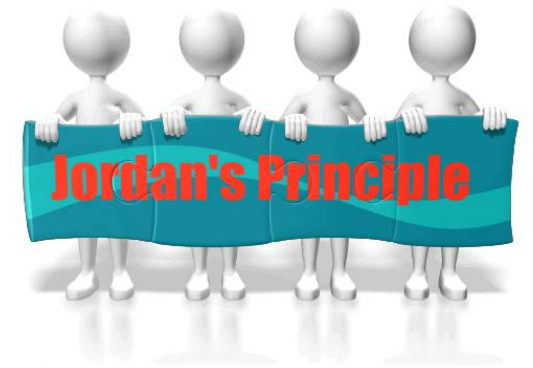
Decreased stress on families, services providers, caregivers



Recommendations:

- Increased education regarding Jordan's Principle is not a Program
- There is a need for a Jordan's Principle Recruitment and Retention Strategy – the demand for services is greater than service availability
- In building community capacity each community should have a Jordan's Principle Worker or team
- Training Resource's need to be developed to provide Community Level Training and Case Management on the Jordan's Principle Application Process
- Respite Training in Communities is required
- On-Reserve First Nations Disabilities Services are required for those children aging out (18+)
- Transition supports and housing are needed for children aging out of the Child Welfare and returning to their homes communities
- Opportunity for knowledge sharing for long term engagement and systematic change permitting First Nation lead solutions

The Goodness



- We have developed a good working relationship between Indigenous Services Canada and the Indigenous Jordan's Principle Navigators
- We are developing working partnerships between the Indigenous Jordan's Principle Navigators and their communities
- An increasing number of families are reaching out to Jordan's Principle to assist with meeting their children's individual needs
- Enhanced Funding encourages communities to “de-silo” and sit together and identify the gaps in services to their communities children

