



## MEMORANDUM

**DATE:** October 9, 2024  
**FROM:** Olthuis, Kleer, Townshend LLP and Chiefs of Ontario  
**RE:** Summary of Amendments to the Final Agreement on Long-Term Reform of the FNCFS Program

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### BACKGROUND

Amendments have been made to the Draft Final Agreement on Long-Term Reform of the First Nations Child and Family Services (“FNCFS”) Program since it was made publicly available in July 2024. This document summarizes the amendments that have been made.

### SUMMARY OF AMENDMENTS

- The definition of “FNCFS Service Provider” was changed to only refer to FNCFS Agencies and the definition of “First Nation” was changed to mean First Nations delivering services under the Final Agreement (Paragraph 3(ff) and throughout)
- Additional language was included to detail the long-term approaches for FNCFS capital and the allocation of post-majority support services funding (Paragraphs 42(e) and 42(f)(i))
- A change was made to enable First Nations and their affiliated Agency to transfer funding as between them without needing approval from ISC (Paragraph 51 and Appendix 6: Reformed FNCFS Program Schedules for Contribution Funding Agreements, Part B, section 9.2)
- Additional language was added to clarify that results and information technology funding will be allocated solely to First Nations (Paragraph 55)
- A note was added to clarify a reference made to statutory funding as something Canada must consider in relation to the FNCFS Program for year 11 and beyond (Paragraph 97)
- The text of Part IX – Housing Funding was changed to clarify that all First Nations are eligible for housing funding, not just those that receive funding from the FNCFS Program (Paragraphs 132 and 133)
- Membership of the Reform Implementation Committee (“RIC”) was increased to 15. The membership breakdown was changed to the following to ensure regional representation (Paragraphs 148 and Appendix 8: RIC Terms of Reference, section 3.1):
  - 1 representative to be appointed by each of Chiefs of Ontario, Nishnawbe Aski Nation, the Assembly of First Nations and Indigenous Services Canada (i.e., the Parties to the Final Agreement)
  - 1 representative to be appointed by the National Assembly of Remote Communities (“NARC”)

- 1 representative to be appointed by each of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, Quebec, Saskatchewan, and Yukon. Each appointee shall be a First Nations individual who is either an elected leader, an FNCFS technician employed by a First Nation, or an FNCFS technician employed by an FNCFS Agency.
- The RIC Terms of Reference were amended to provide that a member of the RIC can be removed at any time by (a) the Party, organization, or region that appointed them, (b) a super majority of committee members, or (c) by the Parties acting unanimously (Appendix 8: RIC Terms of Reference, section 3.2). Amendments were also made to the clauses about member term limits (section 3.3), the RIC Chair (sections 3.5-3.6), and quorum (section 4.4).
- NARC was added to the list of groups that are to be consulted by the Program Assessment Organization during the program assessments (Paragraph 173(d))
- A stipulation that the President of the Dispute Resolution Tribunal must be First Nations and have judicial or adjudication experience was added (Paragraph 266)
  - **Note:** This stipulation still needs to be confirmed by Canada and it will likely take some time for this provision be approved through their processes.
- A new provision was included that says First Nations are not assuming liability for delivery of services for any period before the point at which they assume the provision of services (Paragraph 389)
- A requirement was added for Agencies to consult with its affiliated First Nations about its planned FNCFS capital projects (Appendix 5: Agency Accountability Co-Development Planning Template)
- The Terms and Conditions for the Reformed FNCFS Program were added (Appendix 10: FNCFS Terms and Conditions)

## RESOURCES

Resources related to the Final Agreement are available on the Chiefs of Ontario and Nishnawbe Aski Nation website, [FNFRSReform.ca](http://FNFRSReform.ca).

If you have any questions, please contact COO's Director of Social Services, Finn Simard [finn.simard@coo.org](mailto:finn.simard@coo.org).