



Nishnawbe
Aski Nation

Jordan River Anderson

Jordan was born in 1999 with complex medical needs and stayed in The hospital from birth.

Was a First Nations child from Norway House Cree Nation in Manitoba

When he was 2 years old, doctors said he could move to a special home for his medical needs.

However, the federal and provincial governments could not agree on who should pay for his home-based care.

Jordan stayed in the hospital until he passed away at the age of 5.

In 2007, the House of Commons passed Jordan's Principle in memory of Jordan.

It was a commitment that First Nations children would get the products, services and supports they need, when they need them.

Today, Jordan's Principle is a legal obligation, which means it has no end date. Jordan's Principle will support First Nations children for generations to come.

Initially, the federal government limited the access to this important service.



Nishnawbe
Aski Nation

Canadian Human Rights Tribunal

In a [landmark ruling](#) on January 26, 2016, the Canadian Human Rights Tribunal ordered the federal government to immediately stop applying a limited and discriminatory definition of Jordan's Principle, and to immediately take measures to implement the full meaning and scope of the principle.

On May 26, 2017, the Tribunal found that the Government of Canada has continued "its pattern of conduct and narrow focus with respect to Jordan's Principle," resulting in unnecessary and unlawful bureaucratic delays, gaps and denial of essential public services to First Nations children.



Nishnawbe
Aski Nation

The Tribunal said that substantive equality for First Nations children means services and must:

Not perpetuate historical disadvantages endured by Aboriginal peoples (403, 455)

Address the intergenerational trauma caused by Residential Schools (422)

Narrow the gap between First Nations and the rest of Canadian society (403)

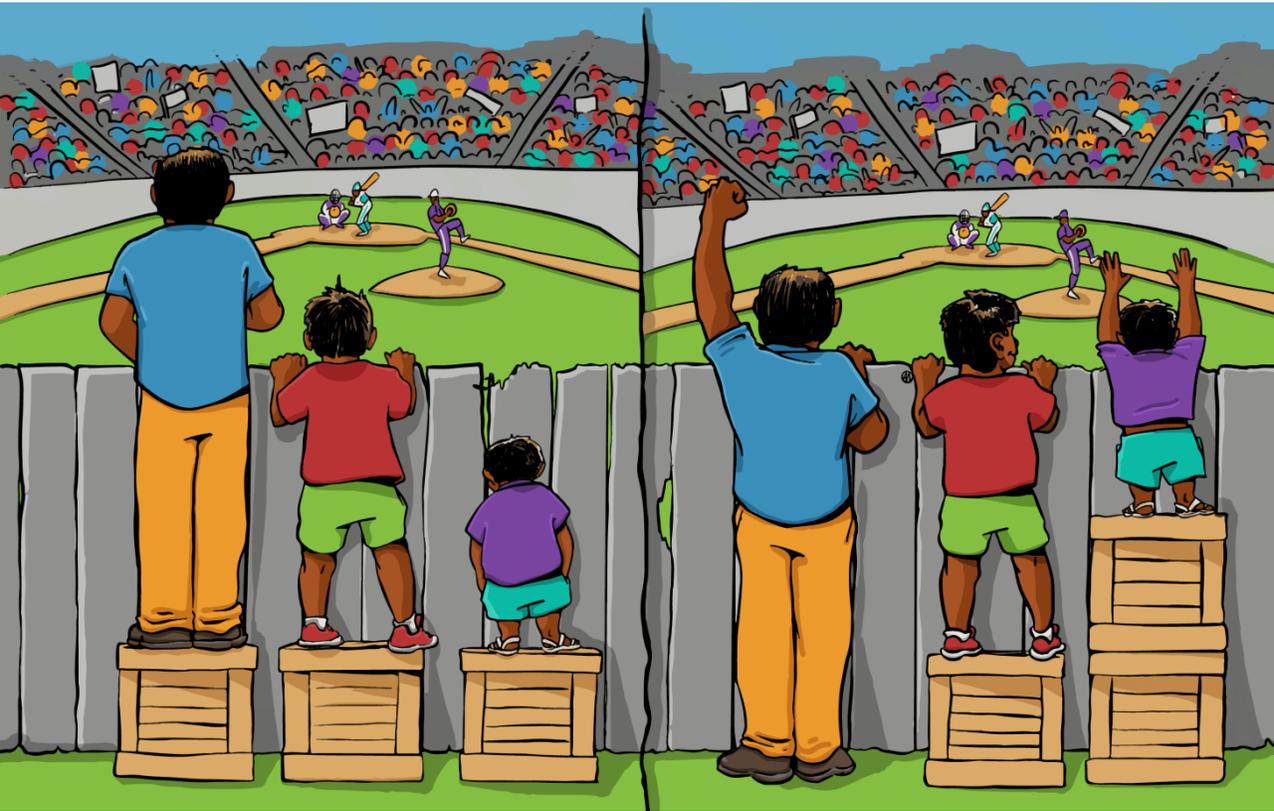
Meet real needs, e.g. additional needs of First Nations vs others, needs of specific First Nations (425, 455)

Provide services that are culturally appropriate (422, 425)

Break the cycle of outside control (425-426)

Be of comparable quality to those off reserve (455)

(References are to paragraphs in 2016 CHRT 2).



Equality vs. Substantive Equality



Nishnawbe
Aski Nation



Nishnawbe
Aski Nation

Substantive Equality ensures;

That First Nations children can stay with their families and communities, wherever possible.

That needs resulting from historical disadvantages are addressed

That First Nations children do not face disadvantage due to race, nationality, or ethnicity

Culturally appropriate services

Community & family can serve, protect and nurture its children in ways that honour resilience, healing and self-determination

Access to services regardless of geographical context



Nishnawbe
Aski Nation

How to Apply Substantive Equality in Jordan's Principle Applications

Child's Unique Needs

- Does your child face any unique circumstances that make access to this support especially important to them as an individual (e.g. mental or physical health needs or conditions)?
- Will this request help your child fulfill their cultural needs or strengthen their Indigenous identity?
- Will this request help your child strengthen their relationship with their traditional territories?
- Will this request help your child learn more about their language, traditions, or protocols?
- Has your child experienced any difficulties in his/her/their family history that give rise to a heightened need for this support?



Nishnawbe
Aski Nation

- Is this support needed to help your child participate in school?
- Will this support help your child overcome any barriers or challenges related to being First Nations (for example, systemic discrimination and inaccessibility of services)?
- If this support was not provided, would your child have to be away from the community for an extended period?
- If this support was not provided, would your child experience any disruption in his/her/their care (i.e. who their caregiver is day-to-day)?
- Is there any risk that Children's Aid may become involved with your family if this support is not provided?
- Will this support help your child's family to build resilience and healing?



Nishnawbe
Aski Nation

History & Geography

- Has your family experienced trauma (for example: residential school, child welfare involvement, removal from your land, abuse)?
- Is this support available in your First Nation? If not, how far would you have to travel to access this support for your child?
- Is your First Nation remote? Is the cost-of-living in your community more expensive than normal?

Who is Eligible for Jordan's Principle?

Currently;

A child under the Age of Majority in their province or territory of residence (18 in Ontario) can access Jordan's Principle, if they permanently reside in Canada and are:

- A First Nations child registered under the *Indian Act* living on or off reserve
- A First Nations child entitled to be registered under the *Indian Act*
- A First Nations child without *Indian Act* status who are ordinarily resident on reserve (the AFN appears to dispute this; however, this forms part of the Tribunal's findings in 2016 CHRT 16 at para. 117
- First Nations children without *Indian Act* status, or not eligible for *Indian Act* status, who are living off reserve but are recognized as members by their Nation, and who have **urgent or life-threatening** needs, will be provided with the services required to meet those urgent or life threatening needs, pursuant to Jordan's Principle.

On July 17, 2020, the Canadian Human Rights Tribunal affirmed that determination of First Nations citizenship falls uniquely within the purview of First Nations. Additionally, the Tribunal has affirmed that the principle of “best interests of child” needs to be understood from an Indigenous lens. The parties involved (NAN included) are to present eligibility criteria to the Tribunal by Oct. 19, 2020.



Nishnawbe
Aski Nation



Nishnawbe
Aski Nation

What is covered under Jordan's Principle?

- Jordan's Principle responds to unmet needs of First Nations children no matter where they live in Canada.

Jordan's Principle can:

- Inform families about the help available for their child and how to access it;
- Coordinate access to products, services and supports;
- Provide funding when it's needed to make sure products, services and supports are accessed without delay.



Nishnawbe
Aski Nation

Examples of what can be funded; Health:

- Mobility Aids, Wheelchair ramps, canes, braces etc.
- Specialized hearing aids
- Addiction services and Mental Health Services
- Traditional Healing Services/Elders Services
- Assessments and screenings
- Transportation to services/medical appointments
- Medical equipment and supplies/Specialized equipment
- Long term Care for children with specialized needs
- Therapeutic Services for children and/or groups (Speech Language, Occupational Therapy, Physical Therapy, ABA therapy)



Nishnawbe
Aski Nation

Social:

- Social worker/Counselling services
- Land-based activities
- Personal support worker
- Specialized summer camps
- Respite care (individual or group)
- Specialized programs based on cultural beliefs and practices





Nishnawbe
Aski Nation

Education:

- School supplies
- Tutoring services
- Teaching assistants
- Specialized school transportation
- Psycho-educational assessments
- Assistive technologies and electronics



*A request for a **child** or children in the same family or with the same guardian can be submitted by:*

- A parent or guardian of a First Nations or Indigenous child who ordinarily resides on reserve
- An authorized representative of the child, parent or guardian (written or verbal consent must be provided by the parent or guardian)

*A request for a **group** of children from multiple families or guardians can be submitted by:*

- A parent or guardian of First Nations or Indigenous children who ordinarily reside on reserve
- A community or Tribal Council
- A community organization or institution
- A service coordinator, navigator or case manager (a support letter from the community or organization is required)

Who can send in a request?



Nishnawbe
Aski Nation



Nishnawbe
Aski Nation

What is needed for the request;

- Registration number for the child or parent under the Indian Act (if available).
- The product, service or support needed
- How often the product, service or support will be needed (one time, many times, or ongoing)
- Estimated costs (if known)
- Copies of related prescriptions, referrals from a health, social or education professional (if you have them), medical, educational, social assessments identifying the need for the product, service or support
- If the request has been submitted in the past, the name of the provincial or federal program or service where the request was submitted and copies of documents submitted (if available)
- Substantive Equality

Summary of the child's history and unique needs that should be considered to support the request



Nishnawbe
Aski Nation

How to send in a request;

- Local service coordinators in First Nations communities or organizations across Canada
- Jordan's Principle Call Centre: **1-855-JP-CHILD (1-855-572-4453)**, open 24 hours a day, 7 days a week
- email: sac.jordansprincipleon-principedejordan.isc@canada.ca
- teletypewriter: **1-866-553-0554**

Before you send a request make sure all your documents, plus consent forms are included in the package



Nishnawbe
Aski Nation

Timelines for processing the requests

Requests for a **child** or children in the same family or with the same guardian:

- Urgent requests are processed within 12 hours of receiving all necessary information
- All other requests are processed within 48 hours of receiving all necessary information

Requests for a **group** of children from multiple families or guardians:

- Urgent requests are processed within 48 hours of receiving all necessary information
- All other requests are processed within 1 week of receiving all necessary information

Approved requests are managed in 1 of 2 ways:

- Where possible, we arrange for the products, services or supports to be provided directly to the child, or children. In these situations, there is no cost to the family, guardian, child or authorized representative and reimbursement is arranged directly with the service provider or vendor.
- If the family, guardian, child or authorized representative has already paid for the approved product, service or support, then reimbursement for the expense will be provided.



Nishnawbe
Aski Nation

Requests that are DENIED:

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 or service requested
- the date of denial and a copy of the Jordan's Principle denial letter (if available)
- Although it is not required to begin an appeal, you may also include additional information, such as:
 - Assessments
 - information showing that the request will help ensure:
 - Substantive equality
 - access to a culturally appropriate service
 - meet the best interests of the child

NAN territory encompasses James Bay Treaty No. 9 and the Ontario portion of Treaty No. 5, a landmass covering two-thirds of the Province of Ontario, spanning 210,000 square miles. Our people traditionally speak Cree and Algonquin in the east, OjiCree in the west, and Ojibway in the central south area.

NAN represents 49 First Nations with a total population (on and off-reserve) of approximately 45,000 people grouped by Tribal Council. Six of our member Nations are not affiliated with a specific Tribal Council.



Nishnawbe
Aski Nation



Nishnawbe
Aski Nation

What has NAN done that can assist with Jordan's Principle?

- NAN has also establish working groups in clinical mentorship, case management and a parent working group.
- These working groups allow parents, clinical service providers, and case management teams to participate in dialogue about what they see or hope to happen in terms of their child(ren).
- These may include gaps that hinder in service coordination for their child(ren), how to better service the children.
- NAN sees that case management and Jordan's Principle Navigation/Coordination are key to assisting families with the application process, follow up and advocacy needed to ensure that the services and supports are being provided.



Nishnawbe
Aski Nation

- NAN wants to ensure an increase of families wanting to apply for services and supports under Jordan's Principle.
- We have looked at how Jordan's Principle is run throughout the country and believe that the process should be supported within our communities and Tribal Councils.
- The vision of having workers within the communities and Coordinators within our Tribal Councils will be a step toward that.
- NAN Coordinator can assist with the onboarding and training of these frontline staff, provide updates and information and be an advocate for the applications that are delayed or denied



Nishnawbe
Aski Nation



Questions?

Monica Hemeon, RN
Jordan's Principle Coordinator
807-625-4635
mhemeon@nan.ca