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

Vandna Sinha (vandna.sinha@mcgill.ca)*
School of Social Work
McGill University
6th International Meeting on Indigenous Child Health - March 22, 2015

• 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.
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)

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

Unanimous adoption of a motion of support by the House of Commons: 2007
A First Nation child needs services other children are entitled to but neither government will pay...

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?

Resolution reached through case conferencing at the local level
No time frame specified

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

Referral to focal point if not resolved at local level
No time frame specified

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

Statement issued by the office of AANDC Minister (February 2015)
Jurisdictional dispute over services for a First Nations child

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

- Jordan’s Principle designation not pursued
  - 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:

Stephanie O’Brien, Assembly of First Nations
Doug Maynard, Canadian Association of Paediatric Health Centres
Elizabeth Moreau, Canadian Paediatric Society
Marvin Bernstein, UNICEF Canada
Lisa Wolff, UNICEF Canada

Vandna Sinha, McGill University
Molly Churchill, McGill University
Anne Blumenthal, University of Michigan
Lucyna Lach, McGill University
Josée G. Lavoie, University of Manitoba
Nico Trocmé, McGill University
The full report of the Jordan’s Principle Working Group is available on the AFN website:

For background information on Jordan’s Principle:
http://www.jordansprinciple.ca
http://cwrp.ca/jordans-principle

Thank you!

vandna.sinha@mcgill.ca
References


References (continued)


