

Jordan's Principle – Background Information

Jordan's Principle is named in honour of Jordan River Anderson, a young boy from Norway House Cree First Nation in Manitoba. Jordan was born with a rare medical condition that required him to be hospitalized for the first years of his life. He remained in hospital long after his medical team had recommended discharge because neither the federal nor provincial government would take responsibility for funding his out of home care. Because of government disputes over the funding of services ordinarily available to non-Aboriginal children, Jordan was deprived of the opportunity to experience life outside of a hospital setting; he passed away, in hospital, at the age of 5.

The refusal by both the provincial and federal governments to fund Jordan's out-of-hospital services is one example of a "jurisdictional dispute." The structure of public service funding and provision leaves First Nations children more vulnerable to jurisdictional disputes than their non-Aboriginal counterparts. While funding and delivery of public services to most children in Canada falls under provincial/territorial jurisdiction, responsibility for services to First Nations children is often shared by federal, provincial/territorial and First Nations governments. There is growing evidence that, as a result, First Nations children experience unique challenges in accessing services. A 2005 survey of 12 First Nations Child and Family Service agencies found that these agencies collectively experienced almost 400 incidences of jurisdictional disputes around services for First Nations children in the course of a single year. A 2013 Federal Court ruling in *Beadle & PLBC v. Canada*, and evidence presented in *Caring Society & AFN v. Canada* before the Canadian Human Rights Tribunal, provide examples of specific cases involving jurisdictional disputes over services to First Nations children. A report published earlier this year highlights specific types of jurisdictional disputes affecting First Nations children. It also highlights examples of service gaps and disparities for First Nations children living in different provinces: insufficient funding for child welfare prevention and in-home support services on reserve; an absence of key preventative, diagnostic, rehabilitative, and respite services in reserve communities; and a complete absence of funding to support on-reserve children's assisted living needs.

Jordan's Principle was unanimously endorsed by the House of Commons in 2007 and is formally supported by thousands of stakeholders and observers. The federal government claims that Jordan's Principle processes are already "in place", but there is growing recognition that the governmental response does not reflect the vision of Jordan's Principle advanced by First Nations and endorsed by the House of Commons. The current governmental response narrows the range of cases, service domains, and jurisdictional disputes to which Jordan's Principle will be applied, introduces delays in payment for services in cases involving jurisdictional disputes, excludes First Nations from Jordan's Principle implementation and case resolution processes, and lacks mechanisms for ensuring transparency and accountability.

Key Resources

Jordan's Principle Working Group's 2015 report, *Without Denial, Delay, or Disruption: Ensuring First Nations Children's Access to Equitable Services Through Jordan's Principle*:

- Full report: http://health.afn.ca/uploads/files/jordans_principle_english.pdf
- Infographic: <http://cwrp.ca/infosheets/jordans-principle-infographic>
- Summary information sheet: <http://cwrp.ca/sites/default/files/publications/en/143e.pdf>

For information on how Jordan's Principle is related to the pending decision in *Caring Society & AFN v. Canada* at the Canadian Human Rights Tribunal:

- Information sheet compiled by the Caring Society:
<http://www.fncaringsociety.com/sites/default/files/Role%20of%20Jordan's%20Principle%20in%20FN%20child%20welfare%20case.pdf>
- Information sheet on the Child Welfare Research Portal:
<http://cwrp.ca/sites/default/files/publications/en/150e.pdf>

Truth and Reconciliation Commission of Canada's Calls to Action (see especially Call to Action #3):
http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf

For **more complete information** on Jordan's Principle:

- <http://cwrp.ca/jordans-principle>
- <http://www.fncaringsociety.com/jordans-principle>

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