Jordan's Principle

What is Jordan's Principle?

Jordan's Principle is a principle that puts First Nations children's needs first.[1] The goal of the principle is to ensure that First Nations children can access public services that are available to all other children without denial or delays.[2] If a government service is available to all other Canadian children, but a dispute arises within or between federal and provincial governments regarding payment for services to a First Nations child, the government department of first contact pays for the services and can seek reimbursement from the other government or department after the child has received the service.[3]

Origins of the principle

The principle is named in memory of Jordan River Anderson (October 22, 1999 – February 2, 2005).[4] Jordan, a First Nations child from Norway House Cree Nation, was born in Manitoba with a serious medical condition.[5] After spending the first two years of his life in a hospital, Jordan was ready to go to a specialized foster home.[6] However, because he was First Nations, for the next two years, Indigenous and Northern Affairs Canada, Health Canada, and the Province of Manitoba argued over who should pay for his at-home care.[7] In the meantime, Jordan remained in the hospital while the government departments continued to argue over the expenses. Sadly, in February 2005, he passed away at the age of five having spent his entire life in hospital.[8]

Jordan River Anderson's case was not an isolated incident. A 2005 report published by the First Nations Child and Family Caring Society of Canada surveyed 12 First Nations agencies which indicated that during that past year alone, they had 393 experiences with various government departments disputing payment for services to a First Nations child.[9] Each dispute required an average of 54.25 hours for social workers to resolve.[10] Based on these findings, the report recommended that the federal government immediately adopt what the report named as Jordan's Principle.[11]

Further to this recommendation, the motion to adopt Jordan's Principle was unanimously passed by the House of Commons on December 12, 2007.[12]

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[1] First Nations Child & Caring Society of Canada, "Jordan's Principle", online: <fncaringsociety.com/jordans-principle>.

[2] *Ibid*.

[3] *First Nations Child and Family Caring Society of Canada v Attorney General of Canada (for the Minister of Indian and Northern Affairs)*, 2017 CHRT 14, at para 2 .

[4] *Supra* note 1.

[5] *Ibid*.

[6] *FNCFS*, *supra* note 3 at para 1.

[7] *Ibid*.

[8] *Ibid*.

[9] First Nations Child and Family Caring Society of Canada, “Wen: De We are Coming to the Light”, online: <cwrp.ca/sites/default/files/publications/en/WendeReport.pdf> at 17.

[10] *Ibid*.

[11] *Ibid*.

[12] *FNCFS*, *supra* note 3 at para 2.