

Long Form Notice of Certification and Settlement

First Nations Child and Family Services and Jordan’s Principle Class Action

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INTRODUCTION

The Federal Court of Canada has approved this notice.

The plaintiffs and Canada have reached a \$20 billion settlement of this class action taken on behalf of First Nations children and some of their family members. If you qualify, you may be entitled to payment under this settlement.

This notice provides information about the lawsuit and the settlement. More detailed information is available [online here](#). You can also sign up to receive updates on the compensation process at the same link.

This notice also gives you a chance to remove yourself from the class action. **You should only remove yourself from the class action if you do not want to receive payment in this settlement.**

If you want to stay in the class action and be eligible to submit a claim for payment in this settlement, you do not need to do anything now.

If you would like help to better understand this notice, there is contact information below. You can make an appointment for a call with someone who will explain it to you and answer your questions.

THE CLASS ACTION

WHAT IS A CLASS ACTION?

A class action is a lawsuit brought by one or more persons on behalf of a large group of people.

WHAT IS THIS CLASS ACTION ABOUT?

This class action is about discrimination by the Canadian government against First Nations children in providing child welfare, health care, and other essential services.

The class action claims that from 1991 until 2022, Canada discriminated against First Nations children living on reserves who were removed from their homes and placed in out-of-home care.

The class action also claims that between 1991 and 2017, Canada failed to provide (or delayed in providing) essential services to First Nations children who had a confirmed need for such essential services. This treatment discriminated against the children and broke a legal rule known as Jordan's Principle.

In the winter of 2022, the parties' intensive negotiations led to Canada committing **\$20 billion** to victims of discrimination to resolve the class action (the **Settlement**). The goal of the Settlement is to offer compensation to survivors and their families in recognition of the harms they've endured – while knowing that no amount of money can make up for their pain and suffering.

WHO IS INCLUDED IN THE CLASS ACTION?

Three (3) groups may receive compensation under the Settlement:

Category 1 First Nations children who were removed from their homes on reserve and placed in care at any time between April 1, 1991 and March 31, 2022.

Category 2 First Nations children who faced a service gap or were denied or delayed access to an essential service between April 1, 1991 and November 2, 2017.

Category 3 Their caregiving parents or caregiving grand-parents.

CATEGORY 1: REMOVED CHILDREN

Under the Settlement, First Nations children on reserve or those who had at least one parent living on reserve, or lived in the Yukon, and who were placed in care between April 1, 1991 and March 31, 2022 may be able to receive money. To find out more about compensation under the Settlement, click [here](#).

You may qualify for payment if you:

- Are First Nations;
- Lived on reserve or had at least one parent living on reserve, or in the Yukon as a child (except in the Northwest Territories)
- Were placed into care as a child between April 1, 1991 and March 31, 2022; and
- Your placement was funded by Canada.

Covered	Not Covered
First Nations children	Non- First Nations children
Children living on reserve or had at least one parent living on reserve, or lived in the Yukon	Children living off-reserve, or in the Northwest Territories
Children who were placed into care between April 1, 1991 and March 31, 2022, including in: <ul style="list-style-type: none"> • Foster Homes • Assessment Homes • Non-kin Foster Homes 	Children who were placed into care <i>prior</i> to April 1, 1991, or who were placed into: <ul style="list-style-type: none"> • Non-paid Kin Homes • Non-paid Community Homes

<ul style="list-style-type: none"> • Paid Kinship Homes • Group Homes • Residential Treatment Facilities • Others 	
Funded by Canada	Funded by a province

Children who were removed from their homes prior to 1991 are the subject of other class actions such as the “Sixties’ Scoop” settlement. These are separate class actions, distinct from this one.

WHAT DOES “FIRST NATIONS” MEAN UNDER THE SETTLEMENT WITH RESPECT TO REMOVED CHILDREN?

Under the Settlement, “First Nations” means Indigenous peoples who:

- (i) Are registered under the *Indian Act*;
- (ii) Were entitled to be registered under the *Indian Act* as of February 11, 2022; or
- (iii) Met band membership requirements as of at least February 11, 2022 (i.e., they were included on the Band List of their community)

I AM FIRST NATIONS BUT WAS NOT LIVING ON RESERVE AT THE TIME THAT I WAS REMOVED FROM MY HOME. CAN I STILL RECEIVE COMPENSATION?

If one or both of your parents were ordinarily resident on a reserve when you were placed into care, you may be able to get compensation. But, if neither you nor your parents were living on reserve, you are not entitled to compensation unless Canada funded your removal under an agreement with a province or territory.

Take this quiz to find out if you qualify in this category:

1. Are you First Nations?

Yes No

2. Did you live on a reserve or had at least one parent living on reserve, or lived in the Yukon?

(N.B. if you lived in the Northwest Territories, select “No”)

Yes No

4. Were you placed in care at any time between April 1, 1991 and March 31, 2022?

Yes No

If you answered “Yes” to all of these questions, you may qualify for payment. Contact the Claims Administrator at 1-833-852-0755 to learn more.

CATEGORY 2: JORDAN’S PRINCIPLE / TROUT

Under the Settlement, First Nations children who faced a service gap or were denied or delayed access to an essential service between 1991 and 2017 may be able to receive money. This group is commonly referred to as “Jordan’s Principle” class, in honour of Jordan River Anderson. (Although Jordan’s Principle did not exist until 2007, this category dates back to April 1, 1991 under the name of Trout.)

WHAT IS “JORDAN’S PRINCIPLE”?

“Jordan’s Principle” is a legal rule that requires the government to treat First Nations children in the same manner as non-First Nations children, and not deprive them of important services that they need. The government must put the interests of the child first, before any jurisdictional or funding dispute.

This principle was named in honour of Jordan River Anderson, who did not receive the services he desperately needed because the governments were arguing about who should pay for Jordan’s needs. Jordan’s Principle is intended to ensure that what happened to Jordan does not happen to other First Nations children.

To find out more about compensation under the Settlement, click [here](#).

You may qualify for payment if:

- You are First Nations (whether you lived on or off reserve, including in the Yukon and Northwest Territories);
- You needed an essential service between April 1, 1991 and November 2, 2017; and
- You requested the service but were denied or delayed access to this service, or you did not request the service but there was a service gap, because of a:
 1. lack of funding
 2. lack of jurisdiction
 3. jurisdictional dispute between Canada and the provincial / territorial government
 4. other reasons

Covered	Not Covered
First Nations children	Non-First Nations children
Children who were confirmed by a professional with relevant expertise to have needed an essential service	Children who needed a non-essential service
Were denied or delayed access to this service or faced a service gap	Were denied or delayed access to this service
Because of a: <ul style="list-style-type: none"> • lack of funding • lack of jurisdiction • service gap • jurisdictional dispute • other 	For any reason
Between April 1, 1991 and November 2, 2017	Before April 1, 1991 or after November 2, 2017

WHAT DOES “FIRST NATIONS” MEAN UNDER THE SETTLEMENT WITH RESPECT TO JORDAN’S PRINCIPLE CHILDREN?

Under the Settlement, “First Nations” means Indigenous peoples across Canada (including the Yukon and Northwest Territories) who:

- (i) Are registered under the Indian Act;
- (ii) Were entitled to be registered under the Indian Act as of February 11, 2022; or
- (iii) Were recognized as citizens or band members of a First Nations community as of February 11, 2022, and faced a delay, denial or service gap with respect to an essential service between January 26, 2016 and November 2, 2017.

Take this quiz to find out if you may qualify in this category:

1. Are you First Nations?

Yes No

2. Did a professional with relevant expertise confirm that you needed an essential service between April 1, 1991 and November 2, 2017? (Information on the Framework of Essential Services is available [here](#))

Yes No

3. Were you denied access to this service, or did you experience a delay in receiving this service?

Yes No

4. Were you unable to obtain this service due to a service gap?

Yes No

If you answered “Yes” to these questions, you may qualify for payment.

CATEGORY 3: FAMILIES

The caregiving parents or the caregiving grandparents of children who were removed from their homes or denied access to an essential service may also be able to receive compensation. This includes the biological or adoptive parent(s), or grand-parent(s), of the child. Foster parents are not included.

Covered	Not Covered
Caregiving biological parent(s)	Foster parent(s)
Caregiving adoptive parent(s)	
Step-parent(s)	
Caregiving biological grand-parent(s)	
Caregiving adoptive grand-parent(s)	

Importantly, only those parent(s) or grand-parent(s) who were caring for the child at the time of removal are entitled to compensation – i.e., the *primary caregivers* – to a maximum of two (2) caregivers.

Siblings and other family members of the affected children will not receive direct compensation under this Settlement.

THE SETTLEMENT

OVERVIEW

Under the settlement Canada will pay committing **\$20 billion** to class members. In addition, Canada pledged an additional **\$20 billion** to fund long-term reform to eliminate systemic discrimination against First Nations children. However, that pledge is not part of this settlement.

The Settlement must be approved by the courts. If it is approved by the courts, individuals falling within Category 1, Category 2, or Category 3 may be able to receive compensation.

Is this case different from the Canadian Human Rights Tribunal compensation decision ordering Canada to pay \$40,000 to each affected individual?

The Settlement of the class action partly overlaps with the Tribunal compensation decision. The Tribunal will be asked to confirm that this settlement satisfies its compensation order. If the Federal Court then approves the Settlement, this Settlement will cover all claims under both the Tribunal and the class action. You will only need to make one application for compensation.

HOW MUCH COMPENSATION CAN I GET?

The amount of money you may receive will vary based on different factors. Each Category provides for an estimated minimum base payment. In addition, you may be able to receive additional payments, if certain factors are present.

CATEGORY 1: REMOVED CHILDREN

Minimum Payment

Under the Settlement, individuals who were removed from their homes and placed into care as children, between April 1, 1991 and March 31, 2022, are each entitled to a minimum payment of **\$40,000**.

Additional Payments

Some individuals will also be able to get more compensation, based on several factors. These include, for example:

- The age when you were first placed into care;
- The total amount of time spent in care;
- Whether you were removed from your home due to lack of access to an essential service;
- Whether you lived in a Northern or remote community;

- The number of times you were placed into care; and
- The number of out of home placements.

These factors are intended to acknowledge the harm suffered by each child, in light of their individual circumstances.

The availability and the amount of additional payments may vary depending on the number of applicants.

CATEGORY 2: JORDAN’S PRINCIPLE / TROUT

Minimum Payment

The minimum amount available for members of Category 2 depends on *when* the essential service gap or the denial or delay of an essential service happened:

Between April 1, 1991 – December 11, 2007 **up to \$20,000 or more**

Between December 12, 2007 – November 2, 2017 **up to \$40,000 or more**

The actual amount each person can receive will depend on the severity of the impact on the child, the number of approved claimants, and the availability of funds.

Additional Payments

Individuals may also be able to get more money, in certain circumstances, if the denial or delay of an essential service had a severe impact on them. Any additional payments will depend on the severity of the impact, the number of approved claimants, and the availability of funds.

CATEGORY 3: FAMILIES

The caregiving parents or the caregiving grandparents of children who were removed from their homes or denied access to an essential service may also be able to receive compensation. The amount of money a caregiver may be entitled to depends on the Category.

Category 1: \$40,000 per child up to a maximum of \$60,000
Caregivers of removed children

Category 2: The amount is not determined at this time. It is expected that the caregiving parents or caregiving grandparents of the children who were most significantly impacted will receive direct compensation. The amount each caregiver may receive will depend on the number of approved claimants.
Caregivers of Jordan's Principle and Trout children

Siblings and other family members of the affected children will not receive direct compensation under this Settlement.

To find out how you can get money, click [here](#).

WILL MY MONEY BE TAXED?

Money received under the Settlement is not subject to federal income tax. In addition, Canada has agreed to work with provinces and territories to exempt these amounts from provincial taxes or other deductions.

ARE THERE ADDITIONAL SUPPORTS FOR CHILDREN & FAMILIES?

In addition to the above, a **\$50 million** trust fund will be created to support First Nations children and families in different ways. This includes, for example:

- Grants to facilitate culture, community and healing-based services to class members and their children;
- Supports for children in care, or formerly in care, including funding for family and community reunification;
- Funding to facilitate access to cultural programs, activities and supports (ex. youth groups, ceremonies, languages, Elders and Knowledge Keepers, mentors, land-based

- activities, and culturally-based arts and recreation);
- Supports for children transitioning out of care (ex. safe and accessible housing, life skills and independent living, financial literacy, continuing education, health and wellness supports, etc.);
 - Facilitating the creation of a scholarship for the Jordan's Principle Class and their children; and
 - The creation of a national network for First Nations children in care.

APPROVAL OF SETTLEMENT

WHEN WILL THE SETTLEMENT BE APPROVED?

FEDERAL COURT

The Federal Court will hold a hearing to decide if the Settlement should be approved. This hearing will take place in Ottawa on **September 19 to 23, 2022**. Details of the hearing will be posted [here](#) as well as details on how to attend a virtual hearing if available.

It is possible that this date might change. Sign up [here](#) to receive notifications by email of any change to the time and place of the hearing.

CANADIAN HUMAN RIGHTS TRIBUNAL

The Settlement must also be reviewed by the Canadian Human Rights Tribunal. The Tribunal's review is expected to be completed prior to the hearing at the Federal Court.

This Tribunal will be asked to confirm if the Settlement satisfies its [previous compensation order against Canada](#) (the **Compensation Order**). If it does, the Settlement will replace the Compensation Order. This means that claimants will have to seek compensation through the Settlement rather than the Compensation Order.

CAN I COMMENT OR OBJECT TO THE SETTLEMENT?

You do not have to attend the hearing to provide any comments on the Settlement, but you can if you want to.

If you want to provide comments or object to the Settlement, there are two (2) ways you can do so:

In writing: You can provide comments in writing to this address: PO Box 7030, Toronto ON M5C 2K7 or fncildclaims@deloitte.ca. Your comments will be sent to the Federal Court before the hearing. To be included, all written comments must be received by **September 12, 2022**.

In person: You can ask to speak in court about the Settlement on September 19 to 23, 2022 in person or by videoconference. If you want to comment or object in person, you must send your request to speak at the hearing by **September 12, 2022**.

You will also have an opportunity to comment on the fees for the lawyers who worked on the class action. For more information about the lawyers and their fees, click [here](#).

WHAT HAPPENS AFTER THE SETTLEMENT IS APPROVED?

Participation in the Settlement is voluntary. You can decide if you would like to participate and make a claim for payment. The following are your options:

OPTION 1: STAY IN THE CLASS ACTION

If you want to stay in the class and submit a claim for payment under the Settlement, you do not need to do anything at this time. Once the Settlement is approved by the court, you will be provided with information about how to make a claim.

ARE THERE ANY NEGATIVE CONSEQUENCES OF STAYING IN THE CLASS ACTION?

Staying in the class action will not impact any government supports that you may be receiving or may be entitled to receive in the future from any government.

By staying in the class action, you can submit a claim for compensation under the Settlement. But, you will not be able to sue Canada again, or make an application to the Canadian Human Rights Tribunal, regarding the same discriminatory conduct.

Nothing in the Settlement prevents you from taking legal action for any other harms not included in this class action, or starting a claim against a province, territory or agency.

OPTION 2: REMOVE YOURSELF FROM THE CLASS ACTION

If you do not want to participate in the class action, you can ask to be removed from the lawsuit. You can do so by filling out an Opt-Out Form online or mailing a copy to this address: PO Box 7030, Toronto ON M5C 2K7 or email to fchildclaims@deloitte.ca or fax to 416-815-2723. **If you remove yourself from the class action, you will NOT receive any compensation under this Settlement.**

You can also contact the Administrator of the Settlement by contacting 1-833-852-0755.

The last day to remove yourself from the class action is: **February 19, 2023.**

IF I OPT-OUT OF THE SETTLEMENT, CAN I STILL GET MONEY FROM THE CANADIAN HUMAN RIGHTS TRIBUNAL COMPENSATION ORDER?

No. If approved by the Canadian Human Rights Tribunal, the Settlement will replace the Compensation Order process altogether. This means that claimants can only request money through the Settlement. If you opt-out of the Settlement, you will not be able to claim compensation for this discriminatory conduct.

CLASS ACTION TEAM

WHO IS REPRESENTING THE CLASS?

YOUR REPRESENTATIVE PLAINTIFFS

The Assembly of First Nations is a plaintiff. The class action was brought by the following individuals on behalf of affected First Nations across Canada:

- Xavier Moushoom
- Jeremy Meawasige
- Jonavon Joseph Meawasige
- Ashley Dawn Louise Bach
- Karen Osachoff

- Melissa Walterson
- Noah Buffalo-Jackson
- Carolyn Buffalo
- Dick Eugene Jackson
- Zacheus Joseph Trout

These are your representative plaintiffs. They act as representatives of the entire class.

YOUR LEGAL TEAM

The class is represented by five (5) law firms across Canada:

- Sotos LLP
- Kugler Kandestin LLP
- Miller Titerle + Co.
- Nahwegahbow Corbiere
- Fasken Martineau Dumoulin LLP

HOW WILL THE LAWYERS BE PAID?

You do not have to pay the lawyers, or anyone else, to be a part of this lawsuit or to receive payment in the Settlement.

The lawyers will be paid by Canada, separate and apart from the Settlement. These fees will not be taken from the Settlement, or from any payments to be made to class members. The settlement funds (\$20 billion) have been set aside for the class *only*.

The amount to be paid to the lawyers will be negotiated separately between the lawyers and Canada, and will be subject to court approval. The amount will have no impact on your ability to get money under the Settlement.

More details on the legal fees that will be requested will be posted here after the negotiations have concluded.

CONTACT US

WANT MORE INFORMATION ABOUT THE CLASS ACTION OR THE SETTLEMENT?

More information about the case can be found at www.fnchildcompensation.ca

NEED SUPPORT OR ASSISTANCE?

Support services are available by calling the Claims Administrator at 1-833-852-0755. If you are experiencing emotional distress and would like to speak with a counsellor, please contact the Hope for Wellness Helpline at 1-855-242-3310, or click [here](#) to chat.

You can also contact the Assembly of First Nations Helpline at: 1-888-718-6496

To learn more about your options and determine if you are included, please visit:

www.fnchildcompensation.ca or call 1-833-852-0755.

For more information about the Settlement and your options, please contact:

- Claims Administrator at: 1-833-852-0755
- Assembly of First Nations at: 1-888-718-6496