

Short Form Notice of Certification and Settlement

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

The Federal Court of Canada (the Court) has approved this notice.

The plaintiffs and Canada have reached a \$23.34 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 compensation.

This notice provides information about the lawsuit and the settlement. More detailed information is available online at <https://www.fnchildcompensation.ca/>. You can also sign up to receive updates on the compensation process at the same link.

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.

This notice also gives you a chance to remove yourself (opt out) 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 would like help to better understand this notice, there is contact information below (please see page 4). You can make an appointment for a call with someone who will explain it to you and answer your questions.

What is the class action about?

The class action claims that from April 1, 1991 until March 31, 2022, Canada discriminated against First Nations children living on reserve or in the Yukon who were removed from their homes by child welfare agencies and placed in out-of-home care.

The class action also claims that between April 1, 1991 and November 2, 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.

Are you included in the class action?

In general, you are included in the class action if you are in one of the following groups:

Category 1:

A) First Nations children who, at any time between April 1, 1991 and March 31, 2022, while they were under the age of majority, were removed from their homes by child welfare authorities and placed into care while they, or at least one of their caregivers (parents or grandparents), were ordinarily resident on reserve or living in the Yukon (excluding individuals living in the Northwest Territories at the time of removal); furthermore, this placement was funded by Indigenous Services Canada (ISC).

B) Also, First Nations children who, during the same time period, while they were under the age of majority, were placed by their caregiving parent or grandparent off-reserve with a non-family caregiver, while the First Nations children were ordinarily resident on reserve

or living in the Yukon (excluding individuals living in the Northwest Territories at the time of placement), and where a Child Welfare Authority was involved in the placement.

Category 2: First Nations children (living both on-reserve and off-reserve) who were confirmed to need an essential service but faced a delay, denial or a gap in receiving that essential service between April 1, 1991 and November 2, 2017;

Category 3: The parents, grandparents or siblings of one of the individuals in Categories 1 or Category 2 above.

More details about who is included in the class action can be found at <https://www.fnchildcompensation.ca/>.

What is the proposed settlement?

The plaintiffs and Canada have agreed to a settlement that requires Canada to pay \$23.34 billion in compensation. The settlement must be approved by the Court before it becomes effective.

If the settlement is approved by the court, each removed child described in Category 1 is eligible to receive base compensation (minimum) of \$40,000, and those described in Category 1A may be entitled to more in enhanced compensation depending on the circumstances. The specific amount of compensation cannot be known at this time and will depend on how many people are approved for compensation, as well as other circumstances.

Parents or grandparents who were caring for a person in Category 1 at the time of removal may also be entitled to up to \$40,000 per removed child. Siblings of a removed child will not be entitled to any payment under the settlement.

Each person in Category 2 who:

- (a) lacked timely access to, or experienced a denial or gap in receiving an essential service that they were confirmed to have needed **between December 12, 2007 and November 2, 2017**, is entitled to compensation. Those who suffered significant impact as a result of this are eligible to receive base compensation of \$40,000, and possibly more in enhanced compensation. Others who experienced lesser impact may receive up to \$40,000, depending on how many claimants are approved. The actual amounts that each claimant will receive cannot be determined until a later date when the number of people making a claim is known.
- (b) lacked timely access to, or experienced a denial or gap in receiving an essential service that they were confirmed to have needed **between April 1, 1991 and December 11, 2007**, is entitled to receive compensation. Those who suffered significant impact as a result of this are eligible to receive base compensation of \$20,000, and possibly more in enhanced compensation. Others who experienced lesser impact may receive up to \$20,000, depending on how many claimants are approved. The actual amounts that each claimant will receive cannot be determined until a later date when the number of people making a claim is known.

Caregiving parent(s) or caregiving grandparent(s) of the persons in Category 2 who suffered the most significant hardship are eligible to receive base compensation of \$40,000, under Category 3.

A fund of \$50 million will be established to assist First Nations children and families impacted by

Canada's discrimination.

An additional fund of \$90 million will be established to benefit high-needs Jordan's Principle class members to ensure their personal dignity and well-being.

What are my options?

1. **Stay in the class action:** If you wish to stay in the class and be eligible to submit a claim for payment under the settlement, you do not need to do anything at this time. You should register for further updates here <https://www.fnchildcompensation.ca/>.
2. **Remove yourself from the class action (opt out):** If you do not want to receive a payment under the settlement, you need to remove yourself by submitting an Opt-Out Form, **by October 6, 2023.**

If you submit the Opt-Out Form, you will not receive compensation from the settlement.

To remove yourself from the class action, please visit <https://www.fnchildcompensation.ca/> to fill out and submit an Opt-Out Form online, or mail a print copy of the Opt-Out Form to PO Box 7030, Toronto ON M5C 2K7 or email to fnchildclaims@deloitte.ca or fax to 416-815-2723 requesting to be removed from this class action. You can also receive a copy of the Opt-Out Form from the Administrator by contacting 1-833-852-0755.

The deadline to submit an Opt-out Form and remove yourself from the lawsuit is **October 6, 2023.**

What if I want to object to or comment on the settlement?

The Federal Court will hold a hearing to decide if the \$23.34 billion settlement should be approved. The Settlement Approval Hearing will take place in Ottawa, beginning on **October 23, 2023.**

Details of the hearing will be posted at <https://www.fnchildcompensation.ca/>.

You do not have to attend the hearing or provide any comments on the settlement to be eligible to receive compensation.

If you want to object to or comment on the settlement, you have two options:

Object or provide comments in writing:

1. You may send any comments to PO Box 7030, Toronto ON M5C 2K7 or fnchildclaims@deloitte.ca. Your comments will be sent to the Federal Court before the hearing.
2. **Object in person:** Ask to speak in court about the proposed settlement on October 23, 2023, either in person at the Federal Court in Ottawa or by videoconference.

If you want to object, you must send your written comments or request to speak at the hearing by **October 13, 2023.**

Sometime after the Settlement Approval Hearing, there will be further Hearings to determine whether to approve distribution protocols to pay out compensation which the parties are working on, as well as class counsel fees. Class counsel fees will not be paid by the Class and will not come out of the settlement funds; they will be paid separately by Canada.

Are there any negative consequences of staying in the class action?

Class counsel strongly recommend that the Court approve the settlement, as it is in the best interest of the members of the class. By staying in the class action, you will be eligible to submit a claim for compensation. However, by staying in the class action you will not be able to sue Canada. You can still sue an agency, foster parent or group home. However, you cannot apply to the Canadian Human Rights Tribunal for compensation about the same discriminatory conduct that is the subject of the class action.

Who is representing the class?

The class is represented by the following plaintiffs: Xavier Moushoom, Jeremy Meawasige (by his litigation guardian, Jonavon Joseph Meawasige), Jonavon Joseph Meawasige, Ashley Dawn Louise Bach, Karen Osachoff, Melissa Walterson, Noah Buffalo-Jackson (by his litigation guardian, Carolyn Buffalo), Carolyn Buffalo, Dick Eugene Jackson, and Zacheus Joseph Trout. The Assembly of First Nations is also a plaintiff in the class action.

The plaintiffs are represented by five law firms from across Canada: [Sotos LLP](#), [Kugler Kandestin LLP](#), [Miller Titerle + Co.](#), [Nahwegahbow Corbiere](#) and [Fasken Martineau Dumoulin LLP](#).

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

How will the lawyers be paid?

The lawyers for the class will be paid by Canada. No amount paid to the lawyers for the class will be taken from the settlement or from any payments that are made to class members.

The amount that the lawyers for the class will be paid will be negotiated between the lawyers and Canada and submitted for Court approval at a subsequent hearing.

More details on the legal fees that will be requested will be posted at <https://www.fnchildclaims.ca> after the negotiations have concluded.

Want more information about the class action or the settlement?

More information about the case can be found at <https://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 visit <https://www.hopeforwellness.ca/> to chat.

To learn more about the settlement and your options, please visit: <https://www.fnchildcompensation.ca/> or call the Claims Administrator at 1-833-852-0755.