

Crown Ward Class Action FAQs

1. Do you need help to deal with the trauma that you have experienced?

We are very sorry for the trauma that you have suffered in your childhood. This should never have happened to you, and it was wrong. However, Class Counsel are not qualified to provide you with advice for dealing with your trauma.

If you need help in dealing with your trauma, then please contact the

Victim Support Line 24/7: 1-888-579-2888 for support and referral services

Male survivors of sexual abuse can call: 24/7: 1-866-887-0015 for support and referral services

2. What information do you need about my potential claim?

At this stage, the only information that we need is:

- Your current contact information, (name, prior name if different when in care, address, phone number, email address if any),
- your date of birth,
- the CAS in charge of your care,
- the dates of your Crown Wardship, if you know, or the date that you went into care, if you don't know when they were made a Crown Ward, and
- whether you received any compensation from the Criminal Injury Compensation Board in the past.

All class members are encouraged to get your records from the relevant CAS, as this may be helpful in making a claim if the action settles. This can be done on line from the website for most of the CASs. It is not something that we will do for you at this time.

3. Why did Koskie Minsky withdraw from the case?

- A. Koskie Minsky and the representative plaintiffs decided that it was in the best interests of the class to engage new counsel because they felt that Koskie Minsky was not in the best position to advocate for the best settlement given that they had negotiated the settlement that the court did not approve. A new lawyer would not be hampered by the past concessions that had been made in the earlier negotiations.

4. Why is the case now at Sotos?

- A. Margaret Waddell joined Sotos in January 2025. This will not affect the representation of the Class, or how the class action is being handled. The same team continues to work on the action.

5. Is there a settlement happening now?

- A. Currently, there is no settlement. After the judge refused to approve the prior proposed settlement, the parties resumed negotiations. Those settlement discussions are continuing. If a new settlement is reached, then another notice will go out to the Class members to let them know the terms, and they will again have an opportunity to make submissions about the settlement at that time.

6. Why is the action taking so long to get settled?

- A. There are ongoing negotiations with Ontario, and the parties are working towards reaching a settlement. However, there are a lot of complicated issues that the parties have to work through and reach agreement about in order to resolve the case.

One of the major problems is figuring out how many people are included in the Class. Since many of the records are only in paper or micro fiche format, this is slow work.

Also, many people who thought that they are Crown wards are not, they are what are called "Society wards", meaning that they were in the permanent care of a CAS, but never made a Crown ward. All Crown wards are created by a court order, so there is a record of this order in the government records, and also likely in the CAS records. We are working on sorting out among the thousands of people who contacted Koskies or us who is actually included in the Class and who are not.

We are not free to discuss with you the details of the settlement negotiations because they are confidential. If the parties are able to reach a settlement, then you will get notice about the terms of the settlement, the settlement agreement will be posted on the website, and you will then have an opportunity to make submissions to the court about the settlement if you want.

7. What is the class action about?

- A. The action is seeking to obtain compensation for Crown wards who did not receive compensation from the Criminal Injuries Compensation Board because the Crown didn't apply for that compensation while the Class member was a Crown ward, or the Crown didn't tell the Crown ward that they could apply when they aged out of care. It also is seeking other compensation for the fact that CAS records were not kept properly to help Class members with claims for the harms that they may have suffered before or while in care, and because it was not explained to the Crown wards that they could bring lawsuits or make a claim to the Criminal Injuries Compensation Board for their injuries.

The action is not seeking to obtain individual compensation for the abuse that the Class suffered while they were in care. If the Crown ward was abused, they

have the right to bring their own lawsuit against the CAS and the perpetrators who hurt them. We will not act in those claims, but there are many lawyers who may be willing to take on these claims.

8. What about getting compensation for the abuse that I suffered either before I was in care or after I became a Crown ward?

- A. The class action will not be seeking to recover compensation for all the harms or abuse that Crown wards may have suffered while in CAS care or before they went into care. That is beyond the scope of this claim.

Anyone who was abused before or while they were in care do have the right to bring their own lawsuit to recover compensation for the harm and injuries that they suffered. There are many lawyers who specialize in these kinds of claims who would be able to represent you if you want to pursue the CAS, foster homes, or individual perpetrators for the abuse you suffered.

9. Does the change in lawyers mean that there will be less money for the class?

- A. No, it does not. The representative plaintiffs have retained the lawyers to work on this case on a contingency fee basis. If the action is settled, or there is a trial judgment, then the court will be asked to approve the contingency fee, and the one fee will be divided between the law firms that have worked on the action.

10. Do I have to pay anything to participate in the class action?

- A. No. The action is being prosecuted on a contingency fee basis, which means the lawyers only get paid if the action is successful either by a settlement or trial judgment. In either case, the court will decide what amount of fees is fair and reasonable, taking into consideration the contingency fee agreement, the risks assumed, the work performed, and the results in the action.

In addition, the action is funded by the Class Proceedings Fund, which will pay any adverse court costs, and is paying for many of the expenses involved in the prosecution of the action. If the action is successful, the Fund will be repaid for the money it has advanced and it will be paid a levy equal to 10% of the net settlement fund or judgment.

11. How do I find out more about the class action?

- A. The Sotos Class Actions webpage will be updated whenever there is a significant development. You can use the link on the Have Questions page on the website to send a secure message to counsel and we will answer all messages as promptly as possible.