

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

## Framework of Essential Services

### Who can claim compensation for not receiving an essential service from Canada or receiving it after delay?

A claim for compensation can be made if:

1. An essential service was needed by the claimant; and
2. The claimant or someone on behalf of the claimant asked Canada for an essential service that was denied or delayed in being provided. Or, the claimant needed the essential service, but it was not available or accessible to them (there was a gap in services), even if they did not ask for the service.

### What is an “essential service”?

A service is considered essential if the claimant's condition or circumstances required it and the delay in receiving it, or not receiving it at all, caused material impact on the child.

Examples of types and categories of essential services are attached as an appendix to this Framework.

If the claimant needed a service that is not on the list of examples, it may still be considered an essential service under the settlement if not receiving the service had a material impact on the child.

### What timeframe is covered?

Claimants are covered by this settlement if they needed the essential service as a child at any time from April 1, 1991 to November 2, 2017.

### How to make a claim?

1. If the claimant requested a service from Canada that was delayed or denied, they may provide a copy of the letter, email or other document submitted to Canada requesting the service. If they do not have a copy, they may provide a statutory declaration confirming that they requested the service.
2. If the claimant did not request a service from Canada but required an essential service that was not available or accessible, they need to provide confirmation from a professional saying what essential service they needed, why it was essential and when they needed it, either through historical documentation or contemporary confirmation by a professional.

Confirmation can be in two forms depending on the answer to the following question:

## **Does the claimant have any kind of historical document stating that an essential service was needed?**

If the answer is **YES**, please follow **Procedure A**.

If the answer is **NO**, please follow **Procedure B**.

### **Procedure A (to be completed if claimant has historical documentation confirming that an essential service(s) was/were needed)**

1. Complete the Claim Form (when available).
2. Provide copies of the historical documentation confirming that an essential service(s) was/were needed.
3. If the historical documentation lacks specifics on the confirmed need for the identified essential service, a professional may complete the Professional Confirmation of Essential Services Form.
4. Complete the questionnaire (when available).

### **Procedure B (to be completed if the claimant has NO historical documentation stating that an essential service(s) was needed.**

1. Complete the Claim Form (when available).
2. A professional completes the Professional Confirmation of Essential Services Form (when available).
3. Complete the questionnaire (when available).

## **What is historical documentation?**

Historical documentation refers to old documents such as a health record or an assessment conducted by a health, social care professional, educator, or other professional or individual with expertise and knowledge of the need for this essential service and/or support.

## **Is there help in claiming compensation?**

Yes. Once the claim form and other supporting documents are available, they will be released online at [www.fnchildcompensation.ca](http://www.fnchildcompensation.ca). Support in completing these forms will be available through the Administrator.

## Appendix – Examples of Essential Services

1. Some services provided by, or under the guidance and direction of, health, social care, and educational professionals who specialize in:
  - a) Recommending services and supports with activities of daily living and safety in the home, school and community (e.g., occupational therapists, *adapted feeding devices*)
  - b) Helping individuals with expressive and receptive language skills (e.g., speech and language pathologists, *augmentative and alternative communication*)
  - c) Helping individuals with movement of their hands, arms, and legs (e.g., physiotherapists, *mobility devices*)
  - d) Giving and interpreting hearing tests and recommending assistive devices related to hearing (e.g., assessment of hearing by audiologists, *hearing devices*)
  - e) Testing vision and recommending corrective eyewear (e.g., optometrists, *advising on eyewear*)
  - f) Teaching children with learning needs (e.g., special needs education teachers; supported child development consultants)
  - g) Promoting infant, early childhood or adolescent development<sup>1</sup> (e.g., infant development consultants, child and youth workers, or early childhood educators).
  - h) Conducting psychoeducational assessments, and provision of counselling (e.g., psychologists, social workers)
  - i) Addressing delayed or problematic behaviours (e.g., early childhood educators, behavioural specialists, child and youth workers, social workers,)
  - j) Recommending a specialized diet or nutritional intake (e.g., nutritionist, dietitian)
2. Equipment, products, processes, methods and technologies that are recommended in a cognitive assessment or individualized education plan.
3. Medical equipment, such as:
  - a) Equipment, products and technology used by people to assist with daily activities (e.g., environmental aids, including lifts and transfer aids and professional installation thereof)

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<sup>1</sup> Development refers to physical, social, cognitive, and mental health development

- b) Products and technology for personal indoor and outdoor mobility and transportation (e.g., mobility aids that include standing and positioning aids and wheelchairs)
  - c) Hospital bed
  - d) Medical equipment related to diagnosed illnesses (e.g., percussion vests, oxygen, insulin pumps, feeding tubes)
  - e) Prostheses and orthotics
  - f) Specialized communication equipment (e.g., equipment, products, and technologies that allow people to send and receive information that would otherwise be done verbally)
4. Medical transportation related to access to essential services, supports or products where the lack of transportation prevented access to the recommended service (e.g., people in remote/isolated, semi-isolated communities)
  5. Specialized dietary requirements
  6. Treatment for mental health and/or substance misuse, including inpatient treatment
  7. Oral health (excluding orthodontics), such as:
    - a. Oral surgery services, including general
    - b. Restorative services, including cavities and crowns
    - c. Endodontic services, including root canals
    - d. Dental treatment required to restore damage resulting from unmet dental needs
  8. Respite care
  9. Surgeries