

## Short Form Notice of Certification and Settlement

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

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 (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 and be bound by the 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.

#### **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 reserves or in the Yukon who were removed from their homes by child welfare agencies operating in First Nations communities and placed in out-of-home care.

The class action also covers claims that between 1991 and November 2, 2017, where 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:** First Nations children living on-reserve or in the Yukon who were removed from their homes by child welfare agencies and placed into state care, foster care or group homes at any time between April 1, 1991 and March 31, 2022. This group also includes First Nations children who were not living on-reserve but one of their parents was ordinarily resident on a reserve at the time of their removal.

**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 above.

More details about who is included in the class action can be found [here](#).

### **What is the proposed settlement?**

The plaintiffs and Canada have agreed to a settlement that requires that Canada pay \$20 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 may receive \$40,000 or more in compensation depending on how many people are approved for compensation. 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 or up to a maximum of \$60,000 in cases of multiple removed children. 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 (under Jordan's Principle) are entitled to compensation. Those who suffered significant impact as a result of this may receive \$40,000 or more. Others may receive less than \$40,000 and 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.

OR

- (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 are entitled to receive compensation. Those who suffered significant impact as a result of this may receive \$20,000 or more. Others may receive less than \$20,000 and 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 may also be entitled to compensation, under Category 3.

A fund of \$50 million will be established to assist First Nations children and families impacted by Canada's discrimination.

### **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.

2. **Remove yourself from the class action (opt out):** If you do not want to participate in this class action, and you do not want to receive a payment under the settlement, you need to remove yourself by submitting an Opt-Out Form by this date: **February 19, 2023.**

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

To remove yourself from the lawsuit, please visit [www.fnchildcompensation.ca](http://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](mailto: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 **February 19, 2023.**

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

The Federal Court will hold a hearing to decide if the \$20 billion settlement and the lawyers' fees should be approved. It is expected that the hearing will take place on **September 19-23, 2022** in Ottawa, but it is possible that this date might change. If the date changes, a new date will be posted [here](#). Register [here](#) to receive notification by email of any change to the hearing date and/or place.

The hearing will take place in person and will be broadcasted online. Details of the hearing will be posted [here](#).

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

If you want to object to or comment on the settlement or the lawyers' fees that will be requested, you have two options:

1. **Object or provide comments in writing:** You may send any comments to PO Box 7030, Toronto ON M5C 2K7 or [fnchildclaims@deloitte.ca](mailto: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 or the lawyers' fees on September 19-23, 2022, 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 **September 12, 2022**.

### **Canadian Human Rights Tribunal decision**

The settlement of the lawsuit will also be reviewed by the Canadian Human Rights Tribunal (Tribunal). The Tribunal is expected to complete this review prior to the Federal Court hearing.

The Tribunal will be asked to make a ruling that the \$20 billion settlement of the lawsuit satisfies its previous compensation order against Canada (2019 CHRT 39). If the Tribunal finds that the \$20 billion settlement satisfies its compensation order against Canada, then the \$20 billion settlement will replace the compensation order, and you will not be allowed to claim a payment under the Tribunal's order. Also, if the Tribunal finds that the \$20 billion settlement of this lawsuit satisfies its compensation order, and if the Federal Court approves the settlement, then you will not be able to claim compensation under the Tribunal's compensation order even if you opt out of this lawsuit.

If the Tribunal does not find that the settlement satisfies its compensation order, then the settlement will come to an end and the September hearing before the Federal Court will not proceed. If that happens, you will receive another notice.

It is possible that some people who are entitled to a payment under the Tribunal's compensation order, in particular those persons in Category 3 above, may not receive direct compensation under the settlement of this lawsuit, or they may receive less money than they would be entitled to under the Tribunal's compensation order.

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

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. 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 lawsuit or to receive payment in the settlement.

### **How will the lawyers be paid?**

The lawyers will be paid by Canada. No amount paid to the lawyers will be taken from the \$20 billion settlement or from any payments that are made to class members.

The amount that the lawyers will be paid will be negotiated between the plaintiff lawyers and Canada. If they agree to an amount of fees, then the lawyers will ask the Court to approve the amount at the hearing currently scheduled for September 19-23, 2022.

More details on the legal fees that will be requested will be posted [here](#) after the negotiations have concluded.

### **Want more information about the class action or the settlement?**

More information about the case can be found at [www.fnchildcompensation.ca](http://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.

**To learn more about your options and determine if you are included, please visit: [www.fnchildcompensation.ca](http://www.fnchildcompensation.ca) or call 1-833-852-0755.**

For more information about the settlement and your options, please contact the Claims Administrator at 1-833-852-0755.