

## **Claims Process – Removed Child & Removed Child Family Classes**

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**This Claims Process applies to only the following classes under the Settlement Agreement:**

- **Removed Child Class**
- **Removed Child Family Class (Caregiving Parents and Caregiving Grandparents)**

**This Claims Process does not apply to the following classes under the Settlement Agreement:**

- Jordan's Principle Class
- Jordan's Principle Family Class
- Trout Child Class
- Trout Family Class
- Essential Services Class
- Kith Child Class
- Kith Family Class

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**THIS SECTION TO BE REMOVED PRIOR TO SUBMISSION TO COURT**

- This document has been prepared to provide a framework for the application of the terms of the First Nations Child and Family Services, Jordan's Principle, and Trout Class Settlement Agreement (dated April 19, 2023).
- This document is intended to operationalize the concepts and terms of the Settlement Agreement, to allow for a consistent and effective application of the Settlement terms by the Administrator.
- This document represents the Claims Process the Administrator will follow to issue compensation to eligible Removed Child and Removed Child Family Class Members.
- This document has been prepared by Deloitte in its capacity as the court-appointed Claims Administrator, for review and approval by the Parties to the Settlement Agreement and relevant stakeholders / committee(s) as identified by the Parties.
- **Prior to the launch of the Claims Process (i.e., Claimants submit Claims Forms to the Administrator)**, the Administrator and the Parties, will finalize any required elements and supports under the Settlement that are to be in place and approved by the SIC and Court (as applicable), prior to the start of the Claims Period. This includes, but is not limited to:
  - Finalized Claims Forms
  - Finalized adjudication and Supporting Documentation requirements
  - Supports for Claimants in place: Administrator Navigational Supports, contact centre, and financial literacy and financial investment option(s) available for class members.
- **Note:** all **highlighted** references / definitions below follow the sections / references of the First Nations Child and Family Services, Jordan's Principle, Trout Class Settlement Agreement dated April 19, 2023 ("Settlement Agreement"). This document expands on the concepts and guidance included in the Settlement Agreement and should be read in conjunction with the Settlement Agreement. **Highlighted** references to Sections are internal to this document.

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## General

- A. This document outlines the Claims Process for the Removed Child Class, and the Caregiving Parents and Caregiving Grandparents of the Removed Child Family Class only, in accordance with the terms of the First Nations Child and Family Services, Jordan's Principle, and Trout Class Settlement Agreement dated April 19, 2023 as amended by way of Addendum dated October 10, 2023 ("Settlement Agreement").
- B. Parts of the Claims Process that depend on the availability and assessment of future data, such as Enhancement Payments for Approved Removed Child Class Members, will be addressed in a future Claims Process. The Administrator will advise Claimants (where applicable) of timing and next steps.
- C. Claimants will be supported with the Claims Process as provided for in the Settlement Agreement specifically SA.3.02(1)(j) and consistent with Schedule I *Framework for Supports for Claimants in Compensation Process*.
- D. Interpretation of this Claims Process:
  - i. Capitalized terms are defined either in the Settlement Agreement or otherwise in this Claims Process. A list of defined terms used in the Claims Process is set out in [Appendix B](#).
  - ii. Where the Administrator needs guidance regarding the interpretation of the Claims Process, it may consult with and seek direction from either Class Counsel or the Settlement Implementation Committee ("SIC"), until such time when Class Counsel's role in the design and implementation of the Claims Process is complete.
- E. As detailed in this Claims Process, the Launch Date, which is the date when Claimants may begin to submit Claims Forms to the Administrator, will be no later than six (6) months from the date when the Court approves this Claims Process. During this time, the Administrator shall design, develop, install and implement systems, forms, information, guidelines and procedures for processing Claims and Appeals, as well as issuing payments, in accordance with the Settlement Agreement and this Claims Process. Following Launch Date, Claimants will have a specified amount of time to submit Claims Forms to the Administrator, in accordance with the applicable Claims Deadline. Distribution of compensation to eligible Claimants will commence following the Administrator's receipt and review of a Complete Claims Form for the Claimant, subject to the terms and timelines outlined in this Claims Process.
- F. Distribution of compensation to eligible Claimants in accordance with this Claims Process may commence no earlier than the date when:
  - i. the protocol under [SA.4.02](#) "Distribution of the Trust Fund" is established between the Administrator and the Trustee; and
  - ii. the Administrator has received funds from the trust account(s) listed in [SA.4.01](#), in the amount required to issue payments to eligible Claimants; and
  - iii.
  - iv. relevant Investment Option(s) and financial literacy supports are in place as outlined in [SA.6.14](#).

## 1. Claims Form Submission

- 1.1. A Claimant will identify the Class or Classes for which they are submitting a Claim by selecting the appropriate Claims Form and submitting it to the Administrator.
- 1.2. A Claimant may submit a Claims Form directly to the Administrator in any manner indicated on the Claims Form, which may include submission by mail, fax, email and online, or other such methods as approved by the SIC.
- 1.3. A Claimant must submit their Claims Form and all Supporting Documentation to the Administrator prior to the Claims Deadline, in accordance with [Section 9](#).
- 1.4. A Claimant may submit a Claims Form starting two years before they reach the Age of Majority ([SA.6.01\(4\)](#)):
  - A. A person who is under the Age of Majority is also known as a Minor. Age of Majority by province or territory is set out in [Appendix C](#) of the Claims Process.
  - B. A Claims Form may be submitted to the Administrator by a Minor who is no more than two years younger than the Age of Majority at the time of submission. The Administrator will not accept Claims Forms by anyone other than the Claimants on behalf of Minors, unless such Claims Forms are submitted by a Representative in accordance with [Section 11](#) for Claimants who are Persons Under Disability or Deceased.
  - C. A Minor Claimant's representations and authorizations in their Claims Form and other information and documents provided to the Administrator may be accepted without a parent / guardian / other adult representative's signature. Minors will be required to re-authorize certain representations upon reaching the Age of Majority, and prior to the Administrator issuing an Eligibility Decision and compensation (where eligible).
  - D. Decline of Claims Form for Minors: Where a Minor Claimant submits a Claims Form more than two years before they reach the Age of Majority, the Administrator will notify the Minor Claimant that their Claims Form has been declined and they must submit a new Claims Form no earlier than two years from Age of Majority.
- 1.5. A Claimant who submits multiple Claims Forms for the same Class or provides Additional Information after their initial Claims Form submission will be assessed in accordance with [Section 8](#).

## 2. Claims Form Completeness Requirements

- 2.1. Each Claims Form will include instructions for the information and Supporting Documentation to be provided by a Claimant in order for the Administrator to start review of the Claims Form.
- 2.2. After receipt of a Claims Form, the Administrator will review the Claims Form, Supporting Documentation, and any Additional Information (if applicable, in

accordance with **Section 8**), to determine whether the Claimant has a Complete Claims Form.

- 2.3. The Administrator may also independently supplement or correct Claims Form omissions or errors, to assist the Claimant, if the information is made available to the Administrator by the Claimant (directly or through navigational supports), Canada or Child Welfare Authorities, as applicable, up to the date when the Eligibility Decision is issued by the Administrator (i.e. letter date).
- 2.4. If the Administrator determines that a Claimant submitted an Incomplete Claims Form, the Administrator will make efforts to contact the Claimant to request the Missing Information.
- 2.5. A Claimant will provide Missing Information by the later of:
  - A. six (6) months from the Claims Deadline; or
  - B. six (6) months from the date of the Request for Missing Information.
- 2.6. If a Claimant does not provide the Missing Information in accordance with **Section 2.5**, the Administrator will send a Final Notice for Missing Information Letter. Prior to issuing the Final Notice for Missing Information Letter, the Administrator will verify that efforts have been made to facilitate a consultation by a Navigator to assist the Claimant with locating and providing the Missing Information to the Administrator.
- 2.7. If the Missing Information is still not received by the Administrator within six (6) months of the date of the Final Notice for Missing Information Letter, a Claimant will be denied eligibility and the Administrator will issue a Denial of Eligibility Letter.
- 2.8. Within six (6) months of the Administrator's determination that a Claimant has a Complete Claims Form (either upon initial receipt of a Complete Claims Form or following receipt of Missing Information), the Administrator will make reasonable efforts to verify the Claim **(SA.5.01(6))** in accordance with this Claims Process, and communicate the results of such verification in accordance with **SA.5.02(4)** and **Section 3**. Examples of circumstances that may prevent the Administrator from verifying a Claim within this timeframe include outstanding information from other parties or outstanding decisions on appeals.

### 3. Communication by Administrator with a Claimant

- 3.1. The Administrator may contact a Claimant by phone, in writing, or by electronic means, including automated responses, at the discretion of the Administrator and in accordance with the contact information provided by the Claimant. Means of communication may evolve over the term of the administration of this Claims Process in accordance with advancements in technology and directions of the SIC.
- 3.2. The Administrator will communicate to a Claimant the following information, as and when applicable:
  - A. Confirmation of receipt of initial Claims Form
  - B. Decline of Claims Form for Minors
  - C. Request for Missing Information

- D. Final Notice for Missing Information Letter
- E. Missed Claims Deadline Notice
- F. Acceptance of Request for Deadline Extension
- G. Refusal of Request for Deadline Extension
- H. Eligibility Decision: Approval of Eligibility Letter
- I. Eligibility Decision: Denial of Eligibility Letter
- J. Inconclusive Eligibility Letter
- K. Notification of Compensation, including where applicable, Investment Option and available financial literacy supports
- L. Other communication as determined necessary by the Administrator

3.3. The Third-Party Assessor will communicate to a Claimant, either directly or via the Administrator (at the discretion of the Third-Party Assessor), the following information, as and when applicable:

- A. Appeal Decision Letter
- B. Other communication as determined necessary by the Third-Party Assessor

## 4. Adjudication / Eligibility Determination – Removed Child Class

4.1. The Administrator will first review the Claims Form and any Supporting Documentation provided by a Claimant to assess whether the following requirements are met:

- A. The Claimant submitted a Complete Claims Form to the Administrator within applicable timelines as outlined in [Section 9](#) or was granted a Claims Deadline Extension in accordance with [Section 10](#), and submitted Missing Information (if any) in accordance with timelines in [Section 2](#); and
- B. The Claimant:
  - (i) Has not released Canada for the same harm through a previous individual settlement or, if involved in a current individual proceeding (active litigation) against Canada for the same harm, such active litigation was discontinued prior to the Opt-Out deadline (to be assessed based on information provided by Canada if such information exists and is made available to the Administrator by Canada); and
  - (ii) Has not opted out of the Settlement by submitting an Opt-Out form to the Administrator prior to the Opt-Out deadline; and
  - (iii) Was not alive at any time during the Class Period (i.e. born after the Class Period and did not pass away prior to the Class Period), or reached the Age of Majority prior to the Class Period.

4.2.If the Administrator is satisfied that the **Section 4.1** requirements are met, the Administrator will assess whether the Claimant may be eligible to receive compensation as an Approved Removed Child Class Member.

4.3.A Claimant will be determined to be an Approved Removed Child Class Member if they satisfy the following conditions (the "Removed Child Class Eligibility Requirements"), summarized in Appendix A for ease of reference:

- A. They are a First Nations individual as defined in **SA.1.01**; and
- B. They were removed from their home in the period between April 1, 1991 and March 31, 2022. For greater clarity, children removed prior to April 1, 1991 or after March 31, 2022 are not eligible class members, even if they were in care during the timeframe of April 1, 1991 and March 31, 2022, unless a removal occurred during that timeframe; and
- C. They were under the Age of Majority on the date of the removal; and
- D. They were removed by a child welfare authority or voluntarily placed into care, where the placement was funded by Indigenous Services Canada (ISC); and
- E. They were Ordinarily Resident on a Reserve or living in the Yukon (or at least one of their Caregiving Parents or Caregiving Grandparents were Ordinarily Resident on a Reserve or living in the Yukon) on the date of removal; and
- F. They:
  - F.1. were not placed in a Non-paid Kin or Community Home through an arrangement made by their Caregiving Parent or Caregiving Grandparent; and
  - F.2. did not live in the Northwest Territories at the time of removal.

4.4.In order to make an Eligibility Decision, the Administrator will review the ISC Database to determine whether:

- A. The Claimant is located on the ISC Database; and
- B. Information available for the Claimant on the ISC Database allows the Administrator to make an Eligibility Decision.

4.5.The Administrator may make one of the following determinations of whether a Claimant is an Approved Removed Child Class Member, based on its review and assessment of information on the ISC Database:

- A. Denial of Eligibility: if the Claimant is located on the ISC Database and the ISC Database allows the Administrator to determine that the Claimant does not meet the requirements as an Approved Removed Child Class Member; or
- B. Inconclusive Eligibility: if the Administrator is unable to locate the Claimant on the ISC Database; or if the Administrator locates the Claimant on the ISC Database but is unable to make an Eligibility Decision; or

- C. Approval of Eligibility: if the Claimant is located on the ISC Database and the ISC Database allows the Administrator to determine that the Claimant meets the requirements as an Approved Removed Child Class Member.

4.6. Denial of Eligibility: If the Administrator determines that a Claimant is not an Approved Removed Child Class Member, the Administrator will issue a Denial of Eligibility Letter and inform the Claimant of the following:

- A. The Administrator's decision that the Claimant is not an Approved Removed Child Class Member; and
- B. The reason(s) for the Administrator's decision that the Claimant is not an Approved Removed Child Class Member; and
- C. If applicable, instructions on how to appeal the Administrator's decision to the Third-Party Assessor in accordance with SA.5.02(6) and Section 6.

4.7. Inconclusive Eligibility:

- A. If the Administrator is unable to make an Eligibility Decision, the Administrator will issue an Inconclusive Eligibility Letter and inform the Claimant that their Claim is on hold while the Administrator awaits updates to the ISC Database from Canada. The Administrator will periodically perform new searches of the updated ISC Database. If the Removed Child Class Claimant is later identified on the ISC Database such that the Administrator can issue an Eligibility Decision, the Claimant will receive such Eligibility Decision from the Administrator. The continued review of the ISC Database will take place until Canada confirms that the Administrator has received the complete ISC Database and no further updates are to be provided to the Administrator.
- B. A process is under development for Claimants who will have received an Inconclusive Eligibility Letter. This process will provide direction on next steps for Claimants who, by the time it is finalized, are still awaiting an Eligibility Decision.

4.8. Approval of Eligibility: If the Administrator determines that the Claimant is an Approved Removed Child Class Member, the Administrator will issue an Approval of Eligibility Letter and inform the Claimant in writing of the following:

- A. The Administrator's decision that the Claimant is an Approved Removed Child Class Member; and
- B. Next steps with respect to issuance of the Base Payment.

4.9. Other information that will be communicated to Approved Removed Child Class Members:

- A. Investment Options with notice in a form determined by the SIC (SA.6.14(b));
- B. If the Claimant belongs to a group entitled to interest payment, quantification of the amount to be paid in interest (SA.6.15);



- C. If the Claimant belongs to a group entitled to adjustment for time value of compensation, quantification of the amount of adjustment in accordance with (SA.6.17).
- D. Next steps with respect to assessment of eligibility for Enhancement Factors

#### 4.10. Quantification of Base Compensation and method of Payment

- 4.10.1.A Claimant approved by an Eligibility Decision in accordance with this Claims Process by the Administrator, or on appeal by the Third-Party Assessor will be approved to receive compensation, subject to restrictions disallowing payment for multiple classes in SA.6.01(7).
- 4.10.2.No compensation may be paid to, or on behalf of, an Approved Removed Child Class Member before they reach the Age of Majority (SA.6.01(4)), except in the case of an Exceptional Early Payment in accordance with SA.6.10 and Section 13.
- 4.10.3.No compensation is payable to a Claimant where the Administrator has determined that the Claimant is not an Approved Removed Child Class Member and issued a Denial of Eligibility Letter, and the Administrator did not receive a Request for Appeal Form from the Claimant in accordance with SA.5.02(6)(a), or the Third-Party Assessor's Appeal Decision dismissed the Claimant's Request for Appeal Form.
- 4.10.4.Where a Claimant is an Approved Removed Child Class Member and issued an Approval of Eligibility Letter, either by the Administrator or on appeal by the Third-Party Assessor, the Administrator will quantify the amount of compensation payable to the Claimant. The Administrator's quantification of the compensation amount is subject to Section 4.10.5 and 4.11.5.
- 4.10.5.Base Compensation and other payments may be made in installments to ensure adequacy of funds.
- 4.10.6.Approved Removed Child Class Members will have the option to receive compensation as a direct payment and/or invest the funds in an Investment Option.
- 4.10.7.Where an Approved Removed Child Class Member has selected a direct payment to receive their compensation (instead of selecting an Investment Option),
  - A. Compensation will be issued by the Administrator directly to the Claimant, after determination of eligibility by the Administrator or on appeal by Third Party Third-Party Assessor. In accordance with SA.19.04 and Section 12, compensation payments may not be assigned.
  - B. The Administrator will issue payment to the Claimant by either electronic deposit or mailed cheque, as selected by the Claimant in the Notification of Compensation. The Claimant is responsible for providing accurate banking information if requesting electronic

deposit. The Administrator will have the discretion to issue a cheque (or other form of payment, as approved by the SIC), to the Claimant where electronic payment information provided is insufficient to successfully issue an electronic payment directly to the Claimant (e.g., incomplete banking information is provided by the Claimant).

4.10.8. Where an Approved Removed Child Class Member has selected the Investment Option to receive their compensation (instead of, or in addition to, selecting a full or partial direct payment), compensation will be issued by the Administrator directly to such entity or entities as is recommended by the Investment Committee and approved by the SIC.

#### 4.10.9. Quantification of Payment

- A. Base Compensation: An Approved Removed Child Class Member will receive a payment of Base Compensation in the amount of \$40,000 (either as a direct payment or in accordance with the selected Investment Option, or a combination of both) (SA.6.03(1) & (2))
- B. Multiple Classes: If a Claimant qualifies for compensation as a member of more than one Class under the Settlement Agreement, the Administrator will apply Section 7.

## Enhancement Factors

### 4.11. Enhancement Payment:

4.11.1. Eligibility: An Approved Removed Child Class Member may be entitled to an Enhancement Payment if eligible for Enhancement Factor(s) (SA.6.03(3)).

4.11.2. Enhancement Factors: A framework will be designed and will include a system of weighting the Removed Child Enhancement Factors (SA.6.03(4)) along with protocols for assessing eligibility for Enhancement Payment ("Removed Child Enhancement Factors Framework"). The Removed Child Enhancement Factors Framework will be finalized after the Launch Date upon reasonably reliable actuarial and budgetary assessment as determined by the Settlement Implementation Committee and as approved by the Court.

#### 4.11.3. Process to assess eligibility for an Enhancement Payment:

- A. The Administrator will apply the eligibility criteria in the Removed Child Enhancement Factors Framework.
- B. For each Approved Removed Child Class Member, it is anticipated that the Administrator may review the ISC Database to assess eligibility for an Enhancement Payment based on the Enhancement Factors (SA.6.03(3)), to the extent such information is available within the ISC Database.

- C. It is anticipated that the Administrator may contact an Approved Removed Child Class Member for more information and Supporting Documentation (if applicable) to determine whether the Claimant is eligible for an Enhancement Payment.

4.11.4. Notification of eligibility for an Enhancement Payment:

- A. Once assessment of Enhancement Factors by the Administrator is complete, the Administrator will communicate to the Claimant a notice of eligibility for Enhancement Payment and information on when the quantification of Enhancement Payment will be available (if applicable).
- B. The notification will include the option for the Claimant to appeal the Administrator's decision regarding eligibility for Enhancement Payment in accordance with SA.5.02(6)(b), and Section 6.

4.11.5. Enhancement Payment: The Enhancement Payment will be issued to the eligible Removed Child Class Member as separate payment(s) from Base Compensation, and may be issued in installments and under an extended timeline to ensure actuarial review.

## 5. Adjudication / Eligibility Determination – Removed Child Family Class

5.1. A Removed Child Family Class member is a person who is the brother, sister, mother, father, grandmother or grandfather of a member of the Removed Child Class at the time of removal.

- A. Only the Caregiving Parents or Caregiving Grandparents may receive compensation if determined to be an Approved Removed Child Family Class Member Class Member under the Settlement Agreement (SA.1.01).
- B. All other members of the Removed Child Family Class who are not Caregiving Parents or Caregiving Grandparents (more specifically brothers, sisters, foster parents and non-caregiving parents or grandparents) are not entitled to compensation under the Settlement Agreement (SA.6.04(1) & (2)), and are not entitled to submit a Claims Form as they are not subject to this Claims Process.

5.2. The Administrator will first review the Claims Form and any Supporting Documentation provided by a Claimant to assess whether the following requirements are met:

- A. The Claimant submitted a Complete Claims Form to the Administrator within the applicable deadlines as outlined in Section 9 or was granted a Claims Deadline Extension in accordance with Section 10, and submitted Missing Information (if any) in accordance with the timelines specified in Section 2. Where a Claimant submits Claims Form(s) that references more than one Associated Removed Child, the Claims Form(s) will be assessed for completeness with respect to each individual Associated Removed Child.

B. Claimant is an individual who:

- (i) Has not released Canada for the same harm through a previous individual settlement or, if involved in a current individual proceeding (active litigation) against Canada for the same harm, such active litigation was discontinued prior to the Opt-Out deadline; and
- (ii) Has not opted out of the Settlement by submitting an Opt-Out Form to the Administrator prior to the Opt-Out Deadline; and
- (iii) Was not alive at any time during the Class Period (i.e. born after the Class Period and did not pass away prior to the Class Period).

5.3. If the Administrator is satisfied that **Section 5.2** requirements are met, the Administrator will assess whether the Claimant may be eligible to receive compensation as an Approved Removed Child Family Class Member.

5.4. A Claimant may be determined to be an Approved Removed Child Family Class Member who is a Caregiving Parent or Caregiving Grandparent, by satisfying the following conditions ("Caregiving Parent or Caregiving Grandparent Eligibility Requirements"):

- A. The Claimant was a Caregiving Parent or Caregiving Grandparent, in accordance with priorities and limitations in **SA.6.04** and **SA.6.05**, at the time of Removal, to a Removed Child Class Member who meets the eligibility criteria for an Approved Removed Child Class Member in accordance with **Section 4**; and
- B. The Claimant is not a brother, sister (**SA.1.01**), foster parent or foster grandparent (**SA.6.04(2)**) of the Removed Child Class Member; and
- C. The Claimant's eligibility to receive Base Compensation payment is confirmed in accordance with **Section 5.10**.

5.5. In order to make an Eligibility Decision, the Administrator will:

- A. Identify the Associated Approved Removed Child: The Administrator will apply **Section 4** to determine whether the Removed Child(ren) with respect to whom the Claimant is seeking eligibility as a Caregiving Parent or Caregiving Grandparent ("Associated Removed Child"), is/are an eligible Removed Child Class Member, irrespective of whether the Associated Removed Child has submitted a Claims Form.
- B. Confirm relationship to the Associated Removed Child: The Administrator will review Supporting Documentation to ensure it is satisfied that the Claimant is related to the Approved Removed Child Class Member as parent through a biological, adoptive or stepparent relationship, or a grandparent through a biological or adoptive relationship, as defined in **SA.1.01**. Only Stepparents who are First Nations may be eligible. Supporting Documentation may include, but is not limited to, Canada records provided to the Administrator (such as information available in the Indian Registry Database that may confirm First Nation biological parental or grandparent relationship), or

information or records provided by the Claimant (e.g., adoption record or other provincial, territorial or custom verification of adoption, birth certificate, etc.).

- C. Evaluate information available (if any) at the time of assessment of eligibility to determine whether there is an indication of Abuse by the Caregiving Parent or Caregiving Grandparent (**SA.6.04(4)**) related to the Claimant.
- D. Apply Section 5.10 to assess eligibility to receive Base Compensation payment in accordance with **Section 5.10**.

5.6. The Administrator may make one of the following determinations of whether a Claimant is an Approved Removed Child Family Class Member (subject to **Section 5.10**):

- A. Denial of Eligibility: if the Removed Child Family Class Member does not meet requirements as an approved Removed Child Family Class Member; or
- B. Inconclusive Eligibility: if the Administrator reaches Inconclusive Eligibility determination with respect to the Associated Removed Child Class Member; or
- C. Approval of Eligibility: if the Removed Child Family Class Member meets eligibility criteria as an approved Removed Child Family Class Member. The Administrator will issue an Approval of Eligibility Letter after the expiration of the Ultimate Claims Deadline, to allow for adjudication of Claims from competing Caregiving Parents or Caregiving Grandparents with respect to the same Removed Child (**SA.6.05 (1)**).

5.7. Denial of Eligibility: If the Administrator determines that a Claimant is not an Approved Removed Child Family Class Member, the Administrator will issue a Denial of Eligibility Letter and inform the Claimant of the following:

- A. The Administrator's decision that the Claimant is not an Approved Removed Child Family Class Member; and
- B. The reason(s) for the Administrator's decision that the Claimant is not an Approved Removed Child Family Class Member; and
- C. If applicable, instructions on how to appeal the Administrator's decision to the Third-Party Assessor in accordance with **SA.5.02(6)** and **Section 6**.

5.8. Inconclusive Eligibility:

- A. If the Administrator is unable to make an Eligibility Decision for the Claimant as a Caregiving Parent or Caregiving Grandparent of a Removed Child Class Member, the Administrator will issue an Inconclusive Eligibility Letter and inform the Claimant that their Claim is on hold while the Administrator awaits updates to the ISC Database from Canada. The Administrator will periodically perform new searches of the updated ISC Database. If the Associated Removed Child Class Claimant is later identified on the ISC Database such that the Administrator can issue an Eligibility Decision with respect to the Associated Removed Child Class Member, the Claimant will receive an

Eligibility Decision from the Administrator, provided all other Caregiving Parent or Caregiving Grandparent Eligibility Requirements are satisfied. The continued review of the ISC Database will take place until Canada confirms that the Administrator has received the complete ISC Database and no further updates are to be provided to the Administrator.

- B. A process is under development for Claimants who will have received an Inconclusive Eligibility Letter. This process will provide direction on next steps for Claimants who, by the time it is finalized, are still awaiting an Eligibility Decision.

5.9. Approval of Eligibility: after the expiration of the Ultimate Claims Deadline, if the Administrator determines that the Claimant is an Approved Removed Child Family Class Member, the Administrator will issue an Approval of Eligibility Letter and inform the Claimant in writing of the following:

- A. The Administrator's decision that the Claimant is an Approved Removed Child Family Class Member; and
- B. Next steps with respect to issuance of Base Payment.

5.10. Eligibility for Base Compensation payment

- A. The Administrator will assess the Claimant's eligibility for Base Compensation after the expiration of the Ultimate Claims Deadline, in accordance with sequencing and priorities in compensation per SA.6.05, subject to the exceptional circumstances permitted in SA.6.05(2). For greater clarity, the Administrator's assessment of eligibility will commence four years after the Launch Date (i.e., after the Ultimate Claims Deadline), in order to assess claims from multiple Caregiving Parents or Caregiving Grandparents regarding the same Removed Child.
- B. The Administrator will assess the total number of Caregiving Parents and Caregiving Grandparents who have named the Removed Child(ren) in their Claims Form in order to evaluate the Claimant's relationship and priority in respect of any other Caregiving Parent or Caregiving Grandparent Claimants who have filed a claim with respect to the same Removed Child.
- C. A maximum total of two (2) Base Compensation payments can be made, one payment each to a maximum of two (2) eligible Caregiving Parents or Caregiving Grandparents, with respect to a single Removed Child SA.6.04(5), with the exception of two First Nations stepparents who would share a Base Compensation pro rata SA.6.05(6).
- D. If more than two (2) Approved Caregiving Parents or Caregiving Grandparents have named the Removed Child in their Claims Form, priority is granted to the two Claimant(s) from whom the Child was first removed (in cases of multiple removals from multiple Caregiving Parents or Caregiving Grandparents). Where such a determination is not possible, or where the Child was first removed from more than two Caregiving Parents or Caregiving

Grandparents, a priority list of Category A, B, C will be applied in accordance with SA.6.04(8):

- i. Category A: Caregiving Parent(s) who are not Stepparents; then
  - ii. Category B: Caregiving Grandparent(s); then
  - iii. Category C: First Nations Stepparent(s).
- E. In order to apply SA.6.04(8), the Administrator will use the Supporting Documentation and the ISC Database to determine the Caregiving Parent or Caregiving Grandparent at the time of first removal (if possible). The Administrator may request additional information from the Claimant. Missing Information timelines to respond will apply as outlined in Section 2.
- F. The Administrator determines whether the Claimant is eligible for a Base Compensation payment as an Approved Removed Child Family Class Member. In instances of multiple Caregiving Parents or Caregiving Grandparents claiming for a Removed Child, where the Administrator is not able to make a conclusive determination regarding eligibility for Base Compensation, and there is a dispute amongst such Caregiving Parents or Caregiving Grandparents, the Administrator will direct such claims to the Third-Party Assessor for resolution.
- G. If an Appeal is received with respect to the Administrator's determination regarding sequencing and priority in compensation under SA.6.05(7) and in accordance with Section 6, all Caregiving Parents or Caregiving Grandparents associated with the Removed Child are directed to the Third-Party Assessor who will determine any disputes with respect to the Administrator's priority determinations or any other dispute amongst individuals claiming compensation as the Caregiving Parents or Caregiving Grandparents of the same Removed Child.
- 5.11. Quantification of Base Compensation and method of Payment: An Approved Removed Child Family Class Member will receive Base Compensation of \$40,000 subject to the following:
- 5.11.1. Age of Majority: No compensation may be paid to, or on behalf of, an Approved Class Member before they reach the Age of Majority (SA.6.01(4)).
  - 5.11.2. Multiple Classes: If a Claimant qualifies for compensation as a member of more than one Class under the Settlement Agreement, the Administrator will apply Section 7.
  - 5.11.3. Appeals: No compensation is payable to a Claimant where the Administrator has determined that a Claimant is not an Approved Removed Child Family Class Member and issued a Denial of Eligibility Letter stating that Claimant is Not Approved, and the Administrator did not receive a Request for Appeal from the Claimant in accordance with SA.5.02(6)(a), or if the Claimant's Request for Appeal is dismissed by the Third-Party Assessor.

5.11.4. Amount of Base Compensation: While the Base Compensation amount has been determined at \$40,000, Approved Caregiving Parents and Caregiving Grandparents' base compensation will be determined in accordance with SA.6.04(10) and SA.6.04(11). For greater clarity, the total amount of compensation that an approved Caregiving Parent and Caregiving Grandparent will receive will not be available until after the expiration of the Ultimate Claims Deadline. The Administrator will quantify the amount payable in accordance with SA.6.04(10) and SA.6.05:

- i. Caregiving Parents and Caregiving Grandparents of Children in care as of or removed between Jan 1, 2006 and Mar 31, 2022 and placed off-Reserve with non-Family will receive \$40,000 base compensation.
- ii. All other Approved Caregiving Parents and Caregiving Grandparents eligible for compensation will receive a Base Compensation amount to be determined by the SIC in consultation with the Actuary, having regard to the number of Approved Removed Child Family Class Members and the Budget of \$5.75 Billion for Approved Removed Child Family Class Members.
- iii. If, after sequencing and priority in compensation has been applied in accordance with SA.6.05, only one Base Compensation remains with respect to a Child, and two First Nations Stepparents (Category C) have been approved by the Administrator, or on appeal to the Third-party Assessor, such First Nations Stepparents will share pro rata that one Base Compensation.

5.11.5. Multiplication of Base Compensation: Administrator will quantify the total amount of compensation that each approved Caregiving Parent or Caregiving Grandparent is entitled to, in accordance with SA.6.06, and SA.6.01(7) and Section 7.

5.11.6. Interest (SA.6.15) and Time Value of Money (SA.6.17) are not applicable to Family Class members; however, the SIC may allocate income earned on the Settlement Funds above the amount guaranteed by the Interest Reserve Fund upon the advice of the Investment Committee and the Actuary to certain Class Members, including Approved Removed Child Family Class Members of Children placed off-Reserve with non-Family SA.6.16(2)(b) and other Approved Removed Child Family Class Members SA.6.16(2)(g).

5.11.7. Base Compensation and other payments may be made in installments to ensure adequacy of funds (SA.6.04 (11)).

5.11.8. Approved Removed Child Family Class Members will have the option to receive compensation as a direct payment and/or invest the funds in an Investment Option.

5.11.9. Where an Approved Removed Child Family Class Member has selected a direct payment to receive their compensation (instead of selecting an Investment Option,



- A. Compensation will be issued by the Administrator directly to the Claimant, after determination of eligibility by the Administrator or on appeal by Third-Party Assessor. In accordance with SA.19.04 and Section 12, compensation payments may not be assigned.
- B. The Administrator will issue payment to the Claimant by either electronic deposit or mailed cheque, as selected by the Claimant in the Notification of Compensation. The Claimant is responsible for providing accurate banking information if requesting electronic deposit. The Administrator will have the discretion to issue a cheque (or other form of payment, as approved by the SIC), to the Claimant where electronic payment information provided is insufficient to successfully issue an electronic payment directly to the Claimant (e.g., incomplete banking information is provided by the Claimant).

5.11.10. Where an Approved Removed Child Family Class Member has selected the Investment Option to receive their compensation (instead of, or in addition to, selecting a full or partial direct payment), compensation will be issued by the Administrator directly to such entity or entities as is recommended by the Investment Committee and approved by the SIC.

5.12. Abuse by a Caregiving Parent or Caregiving Grandparent

- A. Abuse is defined as sexual abuse (including sexual assault, sexual harassment, sexual exploitation, sex trafficking and child pornography) or serious physical abuse causing bodily injury, but does not include neglect or emotional maltreatment (SA.1.01).
- B. Notwithstanding determinations made with respect to a Claimant's eligibility as an Approved Removed Child Caregiving Parent or Approved Removed Child Caregiving Grandparent elsewhere in this Claims Process, a Caregiving Parent or Caregiving Grandparent who has committed Abuse that has resulted in the Removed Child Class Member's removal is not eligible for compensation in relation to that Child (SA.6.04(4)). Similarly, a Caregiving Parent or Caregiving Grandparent who is excluded from compensation due to Abuse will not receive compensation on behalf of a deceased Approved Removed Child Claimant (SA.14.05(7)).
- C. The Administrator may request additional information about the Removal from the Claimant, and/or Child Welfare Agencies or other sources in a format approved by the SIC, in order to issue an Eligibility Decision in accordance with SA.6.04(4).
- D. A process is under development to address instances where a Claimant committed Abuse that resulted in the Removed Child Class Member's removal.

## 6. Appeals to the Third-Party Assessor(s)

- 6.1. A Claimant may appeal a decision of the Administrator within sixty (60) days of receiving the Administrator's decision letter, in accordance with Sections 3, 4 and 5, by submitting a complete Request for Appeal Form to the Administrator (such a Claimant is referred to here as the "Appellant"). The Request for Appeal Form will be made available to the Class Members by the Administrator.
- 6.2. Such appeals may include SA.5.02(6):
  - A. Eligibility Decision that a Claimant is not a Class Member;
  - B. Removed Child Class only: Decision that Removed Child Claimant is not entitled to an Enhancement Payment as defined in the Claims Process;
  - C. Refusal to extend the Claims Deadline (refer to Section 10 for Deadline Extension Process);
  - D. Disputes amongst Removed Child Family Class Members under SA.6.05.
- 6.3. There is no right to appeal where the Administrator issues a Refusal to extend the Claims Deadline because the Request for Deadline Extension and/or the Claims Form were received more than 12 months after the Claims Deadline Section 10.
- 6.4. There is no right to appeal by a Class Member who is in a category that is not entitled to receive direct payment under the Settlement Agreement, such as brothers and sisters under the Removed Child Family Class (SA.5.02(9)).
- 6.5. Where the Administrator does not receive a complete Request for Appeal Form within sixty (60) days, the Administrator's decision is final and not subject to future appeal or review.
- 6.6. Upon receiving the Appellant's complete Request for Appeal Form, the Administrator will refer the Appeal and relevant information to the Third-Party Assessor for determination within a month from the date on which the Appellant's complete Request for Appeal Form is received by the Administrator.
- 6.7. The Administrator will coordinate with the Third-Party Assessor to establish a process for the transfer of information, in order for the duties of the Third-Party Assessor to be carried out.
- 6.8. When considering an appeal, the Third-Party Assessor may consult the Appellant and the Administrator.
- 6.9. The Third-Party Assessor may contact the Appellant directly to invite the Appellant to provide more information in writing, and set a deadline for the Appellant to respond to such request for information, after which deadline the Third-Party Assessor will adjudicate the appeal on the basis of available information.
- 6.10. The Third-Party Assessor will adjudicate the appeal no later than six (6) months from the later of:

- (A) receiving the Appeal and relevant information from the Administrator; or
- (B) receiving any further required relevant information from the Appellant.

6.11. Upon making a decision, the Third-Party Assessor will inform the Appellant and the Administrator in writing of:

- A. the Third-Party Assessor's Appeal Decision; and
- B. the reasons for the Third-Party Assessor's Appeal Decision.

6.12. An Appeal Decision by the Third-Party Assessor is final and binding upon the Claimant and the Administrator, and not subject to judicial review, further appeal or any other remedy by legal action.

## 7. Claimants who are Class Members of more than one Class

7.1. A Claimant may be a class member under multiple Classes in the Settlement Agreement; however, such Claimants will only be entitled to receive the higher amount (i.e., the total amount inclusive of Base compensation, Enhancement Payment, Interest Payment, etc., if applicable) amongst all the applicable classes for which they have been found to be eligible. Compensation under the classes will not be combined (SA.6.01(7)).

7.2. Examples include, but are not limited to:

- A. For example, if a Claimant is an Approved Removed Child Class member and an Approved Removed Child Family Class Caregiving Parent or Caregiving Grandparent, the Claimant will receive the higher compensation available for either of these classes only. An Approved Caregiving Parent or Caregiving Grandparent may receive a higher compensation amount than the Approved Child, in cases where Caregiving Parent or Caregiving Grandparent is eligible for multiplication of base payments per SA.6.06. Therefore, if for example a Claimant is entitled to a total payment of \$40,000 as an Approved Removed Child Class Member and a total payment of \$126,000 as an Approved Caregiving Parent, that Claimant receives as a maximum, the higher amount of \$126,000. If they were first found to be an Approved Removed Child Class Member and received \$40,000, and later determined to be an Approved Caregiving Parent entitled to \$126,000, they will receive the additional \$86,000 to ensure they have received in total the higher amount that they would have received amongst the classes for which they qualified. Alternatively, if they first qualified as a Caregiving Parent and received \$126,000, their later qualification as a Removed Child Class entitled to \$40,000 does not result in a further payment as they have already received the higher amount for which they qualified amongst the two relevant classes.

7.3. The amount payable to a Claimant may be issued in installments, as the applicable classes may not be adjudicated by the Administrator at the same time. The timing of such installment payments will be at the discretion of the Administrator.

## 8. Additional Information or multiple Claims Forms for the same Class / Claims Process

- 8.1. The Administrator commences review of a Claim when a Claims Form is received from the Claimant.
- 8.2. Where a Claimant determines that certain relevant information was omitted from their initial Claims Form, the Claimant may notify the Administrator and submit Additional Information for the Administrator's consideration.
- 8.3. Additional Information may be in the form of, without being limited to, Supporting Documentation, or specific pages from the Claims Form, or a wholly new Claims Form.
- 8.4. The Administrator will accept Additional Information up to the date that is the earlier of: i) date on which the Administrator issues the Eligibility Decision letter for the Claimant (i.e., the letter date) and ii) the Ultimate Claims Deadline.
- 8.5. Any Additional Information received after the date of the Eligibility Decision letter will not be accepted; however, such information will be provided to the Third-Party Assessor, where applicable, and only if a Request for Appeal Form is submitted in accordance with the Appeal Process outlined in [Section 6](#).
- 8.6. For greater clarity, the receipt of Missing Information, where applicable, (which is different from Additional Information) is subject to different timelines as outlined in [Section 2](#).

## 9. Claims Period and Claims Deadlines

- 9.1. The Launch Date for the Removed Child and Removed Family Class under this Claims Process is no more than six (6) months from the Claims Process Approval Date.
- 9.2. The Claims Deadline will be identified and communicated by the Administrator once the Launch Date is known based on the following:
  - A. Adults: For Class Members who have reached the Age of Majority on Launch Date, the Claims Deadline is three (3) years from the Launch Date.
  - B. Minors: For Class Members who have not reached the Age of Majority on Launch Date, the Claims Deadline is three (3) years after the date on which the Class Member reaches the Age of Majority.
  - C. Deceased Minors: For Class Members who have not reached the Age of Majority on Launch Date, and who died after the Launch Date, but prior to reaching the Age of Majority, the Claims Deadline is three (3) years from their date of death.
  - D. Deceased Adults & Minors: For Class Members who have died before the Launch Date, the Claims Deadline is three (3) years from the Launch Date.
- 9.3. The following is a Summary of the Claims Deadlines (i.e., the time period in which claimants may submit a Claims Form to the Administrator):

	Adult on Launch Date	Minor on Launch Date
If Claimant is alive on Launch Date	(a) 3 years from Launch Date	(b) 3 years from Age of Majority
If Claimant is deceased before Launch Date	(a) 3 years from Launch Date	(a) 3 years from Launch Date
Minors only: If Claimant is Alive and Minor at Launch Date, but deceased after Launch date while a Minor	n/a	(c) 3 years from date of death

## 10. Claims Deadline Extensions

- 10.1. A Claimant must submit a Claims Form to the Administrator within the applicable deadlines described in [Section 9](#).
- 10.2. A Claimant facing extenuating personal circumstances may be entitled to relief from strict application of the Claims Deadline, and be approved for a Claims Deadline Extension up to 12 months after the Claims Deadline.
- 10.3. The Administrator will individually consider and determine requests by a Claimant facing extenuating personal circumstances for the Extension of the Claims Deadline prescribed for each class in [Section 9](#).
- 10.4. Extenuating personal circumstances include and are not limited to the following situations preventing a Claimant from submitting a Claims Form to the Administrator within the prescribed deadlines ([SA.1.01](#)):
  - A. Personal circumstances: physical or psychological illness, homelessness, incarceration, addiction; or
  - B. Community-based circumstances personally impacting Claimant: epidemics, community internet connectivity, pandemics, natural disasters, community-based emergencies or service disruptions at a national, regional, or community level.
- 10.5. The Administrator will develop a process by which such Extensions are submitted, reviewed and adjudicated, including the format and content of the Request for Deadline Extension Form. The SIC may provide further direction to the Administrator on the Extension process ([SA.3.02\(1\)\(p\)](#)). The Request for Deadline Extension Form will be made available to Claimants by the Administrator.
- 10.6. The Request for Deadline Extension Form:
  - A. requires a Claimant to provide details as to why the Extension is being requested and specify the circumstances that led to the Claims Deadline not being met; and

- B. must be completed by an individual Claimant (or their Representative in accordance with [Section 11](#)) and describe the personal circumstances experienced by the individual Claimant that prevented them from submitting the Claims Form before the Claims Deadline, even if the circumstances impacted more than one individual. For greater clarity, community or group submissions are not permitted; and
- C. must be submitted to the Administrator, supported by sufficient supporting documentation or facts, as directed by the Administrator.

- 10.7. Where a Claims Form is submitted to the Administrator after the Claims Deadline, and without a Request for Deadline Extension Form, the Administrator will issue a Missed Claims Deadline Notice to the Claimant, indicating that they missed the Claims Deadline and must submit a Request for Deadline Extension Form.
- 10.8. In no event may the Claims Deadline be extended by more than twelve (12) months from the Claims Deadline. Claimants who submit Claims Forms to the Administrator after the twelve (12) months following the Claims Deadline will receive a Denial of Eligibility Letter and/or a Refusal of Request for Deadline Extension Letter.
- 10.9. In order to receive an Extension, a Claimant must deliver to the Administrator a complete Request for Deadline Extension Form no later than twelve (12) months after the Claims Deadline. Irrespective of when the Request for Deadline Extension Form is received by the Administrator, the Claims Form must be received no later than twelve (12) months after the Claims Deadline in order to be considered. For greater clarity, in instances where a Request for Deadline Extension was approved, a Claims Form must be submitted no later than twelve (12) months after the Claims Deadline in order to be considered.
- 10.10. In the event of a dispute between the Claimant and the Administrator of whether the Request was delivered to the Administrator at all or delivered in accordance with the Claims Process (timeframe and format), the Administrator will have the discretion to apply a process to assess such circumstances to determine whether the Claimant may be eligible for a Claims Deadline Extension.
- 10.11. Following receipt of a complete Deadline Extension Request Form, within the prescribed timeframe, and with all required elements, as outlined on the Request for Deadline Extension Form, the Administrator will issue to Claimant, in accordance with [SA.5.02\(4\)](#), either:
- A. an Acceptance of Request for Deadline Extension; or
  - B. a Refusal of Request for Deadline Extension, with reasons and direction where the Claimant is permitted to appeal the Administrator's decision ([SA.5.02\(6\)\(c\)](#)), in accordance with [Section 6](#).
- 10.12. The determination with respect to Acceptance or Refusal of Request for Deadline Extension made by the Administrator at first instance, where the Claimant has not appealed to the Third-Party Assessor, or by the Third-Party Assessor on Appeal will be final and not subject to judicial review, further appeal or any other remedy by legal action.

## 11. Claims by Representatives

### 11.1. General

- 11.1.1. Claimants who are unable to file a Claims Form who are either a living Person Under Disability or deceased may, in the following circumstances, have their Claims Form filed by one of the following representatives, in accordance with the terms of the Settlement Agreement:
  - A. Personal Representative (applicable to a living Claimant who is a Person under Disability): For example, where a Claimant is represented by an individual Power Of Attorney (POA), Public Trustee, Public Guardian or the Administrator of Property where one has been appointed by ISC.
  - B. Representative (applicable to deceased Claimants): an individual named in Grant of Authority, or Heirs or, certain eligible child(ren) or grandchild(ren), if and as applicable.
- 11.1.2. In situations where a Claims Form is submitted on behalf of a Claimant by a Representative, all sections in this Claims Process that apply to Claimants also apply to the Representative as the Representative is acting as Claimant, in place of the Claimant (example: Claims Deadlines), unless specific exceptions apply.
- 11.1.3. The Administrator will assess competing claims and the sufficiency of Supporting Documentation to determine the right to act as a representative.
- 11.1.4. Where the Administrator determines that the individual person who submitted a Claims Form on behalf of a Claimant is not an eligible type of Personal Representative or Representative, and therefore cannot act on behalf of the Claimant for the purposes of the Settlement Agreement and Claims Process, the Administrator will issue a Denial of Representation to that person.
- 11.1.5. Additional guidance and instructions may be included in the Claims Form.

### 11.2. Representatives claiming on behalf of Minors

- 11.2.1. Claims by representatives on behalf of Minors are not permitted.
- 11.2.2. The Administrator will apply **Section 1** guidelines to Claims Forms submitted by Representatives on behalf of Claimants to determine whether a Claims Form has been submitted in accordance with this Claims Process.

### 11.3. Personal Representatives claiming on behalf of living Persons under Disability

- 11.3.1. This Section applies to: Personal Representatives of living Removed Child Class Members and living Removed Child Family Class Members.

- 11.3.2. A Personal Representative is the person appointed, or designated by operation of the law, pursuant to the applicable provincial, territorial or federal legislation to manage or make reasonable judgments or decisions in respect of the affairs of a Person Under Disability who is an eligible claimant and includes an administrator for property (SA.1.01). This may include, for example, someone named as Power of Attorney, appointed by ISC as an Administrator of Property, appointed by a court representation order, or a Public Guardian or Public Trustee.
- 11.3.3. A Person Under Disability who has reached the Age of Majority is an individual who is unable to manage or make reasonable judgments or decisions in respect of their affairs by reason of mental incapacity including those for whom a Personal Representative has been appointed, where an Administrator of Property has been appointed by ISC, or where a representative has been designated by operation of the law, pursuant to the applicable provincial, territorial or federal legislation (SA.1.01).
- 11.3.4. A legally appointed Personal Representative may submit a claim on behalf of a Claimant who is a Person Under Disability at the time of submission, or becomes a Person Under Disability prior to the receipt of compensation (SA.14.01).
- 11.3.5. Supporting Documentation: In addition to the requirements applicable to the Claimant, the Personal Representative must provide the Administrator with sufficient and appropriate documentary evidence of legal appointment as Personal Representative for the Claimant, satisfactory to the Administrator. Such evidence may include for example: (1) a signed Power of Attorney ("POA") or protection mandate, or (2) a Provincial or Territorial court appointment order (including appointment of a Public Guardian or Public Trustee), or (3) or a Federal appointment of an Administrator of Property by ISC.
- 11.3.6. Payments issued for Claimants who are Persons Under Disability will be made payable to the Claimant, to the attention of Personal Representative, unless otherwise prescribed by the applicable appointment order.
- 11.3.7. Additional requirements, guidance and instructions may be included in the Claims Form for Persons under Disability.

#### 11.4. Representatives claiming on behalf of deceased Removed Child Class Claimants

- 11.4.1. This Section applies to: Representatives of deceased Removed Child Class Members.
- 11.4.2. The compensation amount for Deceased Removed Child Class will be issued in accordance with SA.14.02.
- 11.4.3. A Caregiving Parent or Caregiving Grandparent who is excluded from compensation under SA.6.04.4 or SA.7.03.2 due to Abuse will not receive compensation in relation to the deceased Child SA.14.05(7).



- 11.4.4. Claims submitted by Representatives who are confirmed under a Grant of Authority will take priority over claims from Representatives who cannot be confirmed under a Grant of Authority (SA.14.05(3)).
- 11.4.5. Where Grant of Authority does not exist or has not been provided to the Administrator within applicable deadlines, the Administrator will adjudicate the eligible Class Member's Claim in accordance with the priority level of Heirs as detailed in Section 11.6, Table 4 (SA.14.05(3)). For greater clarity, the priority levels outlined in SA.14.05(3) will govern the application of this section of the Claims Process irrespective of any future amendments to the priority levels of Heirs outlined in the *Indian Act*.
- 11.4.6. **Grant of Authority:** Documentation where a Grant of Authority exists and has been provided to the Administrator within applicable deadlines (SA.14.04):
- A. In addition to the Removed Child Eligibility Requirements and other terms applicable to the Deceased Child Claimant as outlined in Section 4, the Representative must provide the Administrator with sufficient and appropriate documentary evidence of Grant of Authority/legal appointment as Representative for the Claimant (SA.14.04). Such evidence will include: evidence that Claimant is deceased and evidence of date of death, together with evidence of legal authority to receive compensation on behalf of the estate of the eligible deceased Claimant, in accordance with SA.14.04(3)(c). Further direction on the type of evidence required may be provided by the Administrator.
  - B. Compensation payments issued for the estates of deceased Removed Child Class Claimants will be made payable to "the estate of" the name of the deceased Child Claimant, to the attention of the Representative. Further direction on the issuance of compensation payment may be provided by the Administrator, subject to payment options available to the Claimant.
- 11.4.7. **Heirs:** Documentation where a Grant of Authority does not exist or has not been provided to the Administrator within applicable deadlines (SA.14.05):
- A. In addition to the Removed Child Eligibility Requirements and other terms applicable to the Deceased Child Claimant as outlined in Section 4, the Representative must provide the Administrator with sufficient and appropriate evidence to substantiate their ability to act as a Representative for the purposes of this Claims Process, including their relationship to the Claimant. Further direction on the type of evidence required may be provided by the Administrator, and may include, without being limited to:
    - i. evidence that the Claimant is deceased and date of death; and

- ii. evidence that the deceased Claimant did not have a will and that no executor, administrator, trustee, or liquidator has been appointed by the court or Canada; and
  - iii. evidence of relationship to the deceased Claimant; and
  - iv. an attestation/declaration from the Representative that there is/are no higher priority heir(s); and
  - v. a list of all living individuals (if any) at the same priority level of heirs as the Representative (if applicable).
- B. Eligibility for compensation payments will be assessed upon the expiry of the Claims Deadline, once all potential Representatives have had the opportunity to submit a Claims Form on behalf of the deceased Removed Child Claimant to the Administrator, within the Claims Deadline as outlined in [Section 9](#).
- C. Compensation payments issued for approved deceased Removed Child Class Claimants will be made payable in the name of the eligible Heirs who have submitted a Claims Form and were approved for payment by the Administrator, in accordance with [\(SA.14.05\)](#), see [Table 3 in Section 11.6](#). Further direction on format of issuance of compensation payment may be provided by the Administrator, subject to payment options available to the Claimant.
- D. Disputes with respect to priority of heirs will be determined by the Administrator on the basis of information available to the Administrator.
- E. The Administrator will adjudicate a claim made under [Section 11.4.7](#) at the expiry of the Ultimate Claims Deadline, only once:
- (i) The Administrator has concluded that no grant of authority has been filed with the Administrator, and
  - (ii) the priority of other heirs who have submitted claims is determined under [SA.14.05\(3\)](#), and
  - (iii) any disputes with respect to the priority of heirs is settled by the Administrator (if applicable), and
  - (iv) the Administrator has been advised whether Canada has exercised or will exercise its discretion under [SA.14.05\(4\)](#), [SA.14.05\(5\)](#) and [SA.14.05\(6\)](#) and appoint an Estate Executor/Administrator.

### 11.5. Representatives claiming on behalf of deceased Approved Removed Child Caregiving Parents and Caregiving Grandparents ([SA.14.03](#))

- A. This Section applies to: Representatives of deceased Caregiving Parents and Caregiving Grandparents of Removed Child Class.

- B. Compensation amount for Deceased Caregiving Parents or Caregiving Grandparents of Removed Child Class will be administered in accordance with SA.14.03.

**11.5.1. Deceased Caregiving Parents & Caregiving Grandparents of Removed Children, who were in care during January 1, 2006 – March 31, 2022 and placed off-Reserve with Non-Family (Scenario 1 in Section 11.6 Table 3)**

- A. A Claims Form may be submitted for a deceased Caregiving Parent or Caregiving Grandparent of a Removed Child in care off-Reserve with non-Family during the period from January 1, 2006 to March 31, 2022 by Representatives who are either: (i) confirmed under a Grant of Authority, or (ii) if no Grant of Authority exists, the highest priority living heir(s), or (iii) that Caregiving Parent or Caregiving Grandparent's child or grandchild, respectively. The Administrator will require appropriate evidence of authority to act as a Representative for the deceased Caregiving Parent or Caregiving Grandparent in order to proceed with the review and adjudication of the Claims Form.
- B. Irrespective of the type of Representative who submitted the Claims Form to the Administrator, only the deceased Caregiving Parent or Caregiving Grandparent's living child(ren) or grandchild(ren), respectively, will receive compensation, if eligible, where a claim is approved for a deceased Caregiving Parent or Caregiving Grandparent of a Removed Child in care off-Reserve with non-Family during the period from January 1, 2006 to March 31, 2022.
- C. The Administrator will review the Claims Form having regard to the following:
  - i. Only children or grandchildren are eligible for compensation on behalf of the deceased Caregiving Parent or Caregiving Grandparent: the deceased Caregiving Parent Claimant's living child or children or deceased Caregiving Grandparent Claimant's, living grandchild / grandchildren, irrespective of whether another individual(s) has been appointed to represent the Estate (if there is one) SA.14.03);
  - ii. Format of compensation: payment made directly to the eligible child or grandchild (i.e., in the name of the eligible child or grandchild, to the attention of the eligible child or grandchild). Where the child or grandchild is a Minor, payment will be issued once the Minor reaches the age of majority;
  - iii. Allocation of compensation: pro-rata for each eligible child or grandchild;
  - iv. Timeline for quantification of payment for each recipient: After the conclusion of the Claims Period (Section 9), the Administrator will:

- a. assess eligibility of the Claim in accordance with **Section 5** for the Deceased Caregiving Parent(s)/Caregiving Grandparent(s); and
  - b. assess, if the Caregiving Parent or Caregiving Grandparent is eligible, the total number of children or grandchildren who have been identified for the Deceased Caregiving Parent/ Caregiving Grandparent in order to confirm the child(ren)/grandchild(ren)'s relationship to the deceased Caregiving Parent or Caregiving Grandparent.
- v. Documentation required from an eligible child or grandchild in order to receive compensation (if otherwise eligible):

In addition to the requirements applicable to the Deceased Caregiving Parent or Caregiving Grandparent Claimant (**Section 5**), the Representative must provide the Administrator with sufficient and appropriate evidence to substantiate their ability to act as a Representative, including eligible child or grandchild's relationship to the Claimant (**SA.14.04**). Further direction on the type of evidence required may be provided by the Administrator, and may include, without being limited to:

- a. evidence that deceased Caregiving Parent or Caregiving Grandparent Claimant is of a Removed Child placed off-Reserve with non-Family during January 1, 2006 – March 31, 2022; and
- b. evidence that Claimant is deceased and date of death; and
- c. evidence of eligible living child or grandchild's relationship to the Claimant.

**11.5.2. Deceased Caregiving Parents & Grandparents of Removed Children other than those captured in **Section 11.5.1** (i.e. **Scenario 2 in Section 11.6 Table 3**)**

- A. This section applies to Deceased Caregiving Parents & Caregiving Grandparents of Removed Children who are not included in Section 11.5.1.
- B. No compensation permitted - Deceased Caregiving Parent or Caregiving Grandparent listed in A above in this section are not eligible for compensation except in C below (SA.14.03(3)).
- C. Compensation may be permitted – A Deceased Caregiving Parent or Caregiving Grandparent under this section may be eligible for compensation if the Claimant submitted a complete Claim while they were alive, in accordance with this Claims Process and before the Claims Deadline. For greater clarity, where applicable, the Administrator may apply Section 2 provisions to request Missing Information if a Claims Form submitted by the Claimant while they were alive is determined to be an Incomplete Claims Form. Where applicable, Representatives will be required to provide the Missing Information to the Administrator in accordance with the timelines outlined in **Section 2**.

Representatives may be either: (i) confirmed under a Grant of Authority, or (ii) if no Grant of Authority exists, the highest priority living Heir(s) (SA.14.05).

Where approved as eligible, compensation will be made in accordance with SA.14.04 (where a Grant of Authority exists) or SA.14.05 (where Grant of Authority does not exist) as follows:

- i. Claims submitted by Representatives who are confirmed under a Grant of Authority will take priority over Representatives who cannot be confirmed under a Grant of Authority (SA.14.05(3)).
- ii. Where a Grant of Authority does not exist or has not been provided to the Administrator within applicable deadlines, the Administrator will adjudicate the eligible Class Member's Claim in accordance with the priority level of Heirs as detailed in Section 11.6, Table 4 (SA.14.05(3)). For greater clarity, the priority levels outlined in SA.14.05(3) will govern the application of this section of the Claims Process irrespective of any future amendments to the priority levels of heirs outlined in the *Indian Act*.
- iii. **Grant of Authority:** Documentation where a grant of authority exists and has been provided to the Administrator within applicable deadlines (SA.14.04):

In addition to the requirements applicable to the Deceased Removed Child Caregiving Parent or Caregiving Grandparent Claimant (Section 5), the Representative must provide the Administrator with sufficient and appropriate evidence of Grant of Authority (SA.14.04). Further direction on the type of evidence required may be provided by the Administrator, and may include, without being limited to:

- a. evidence that the now deceased Claimant meets the requirements in Section 11.5.2.B above; and
- b. evidence that Claimant became deceased and the date of death; and
- c. evidence of legal authority to receive compensation on behalf of the estate of the eligible deceased Claimant, in accordance with SA.14.04(3)(c).

compensation payments issued for the estates of deceased Removed Child Caregiving Parent or Caregiving Grandparent Claimants under this section will be made payable to "the estate of" the name of the deceased Claimant to the attention of Representative. Further direction on the issuance of compensation payment may be provided by the Administrator, subject to payment options available to the Claimant.

- iv. **Heirs:** Documentation where a Grant of Authority does not exist or has not been provided to the Administrator within applicable deadlines (SA.14.05):

In addition to the requirements applicable to the Deceased Removed Child Caregiving Parent or Caregiving Grandparent Claimant (**Section 5**), the Representative must provide the Administrator with sufficient and appropriate Supporting Documentation to substantiate their right to act as a Representative for the purposes of this Claims Process, including their relationship to the Claimant. Further direction on the type of evidence required may be provided by the Administrator, and may include, without being limited to:

- a. evidence that Claimant meets the requirements in **Section 11.5.2.A** above; and
- b. evidence that Claimant became deceased after submitting a Claim and their date of death; and
- c. evidence that the deceased Claimant did not have a will and that no executor, administrator, trustee, or liquidator has been appointed by the court; and
- d. evidence of relationship to the deceased Claimant; and
- e. an attestation/declaration from the representative that there is/are no higher priority heir(s); and
- f. a list of all living individuals (if any) at the same priority level of heirs as the Representative (if applicable).

Eligibility for compensation payments will be assessed upon expiry of the Claims Deadline, once all potential Representatives have had the opportunity to submit a Claims Form on behalf of the deceased Claimant to the Administrator, within the Claims Deadline as outlined in **Section 9**.

Compensation payments issued for the approved deceased Claimant will be made payable in the name of the eligible Heirs who have submitted a Claims Form and were approved for payment by the Administrator, in accordance with (**SA.14.05**), see **Table 3 in Section 11.6**. Further direction on format of issuance of compensation payment may be provided by the Administrator, subject to payment options available to the deceased Claimant.

Disputes with respect to priority of heirs will be determined by the Administrator on the basis of information available to the Administrator.

The Administrator will adjudicate a claim made under **Section 11.5.2.iv** at the expiry of the Ultimate Claims Deadline, only after:

- (i) the Administrator has determined that no grant of authority has been filed with the Administrator, and

- (ii) the priority of other heirs who have submitted claims is determined under SA.14.05(3), and
- (iii) any disputes with respect to priority of heirs is settled by the Administrator (if applicable), and
- (iv) the Administrator has been advised whether Canada has exercised or will exercise its discretion under SA.14.05(4), SA.14.05(5) and SA.14.05(6) and appoint an Estate Executor/Administrator.

WORKING DRAFT

11.6. Supplemental schedules for **Section 11** (Representatives)

Table 1: Personal Representative Types – **Living Persons Under Disability**

<b>Personal Representative Types for Living Claimants – Persons Under Disability</b>		
<b>Type of Personal Representative</b>	<b>Living Removed Child Claimant</b>	<b>Living Removed Child Caregiving Parent or Caregiving Grandparent Claimant</b>
Power of Attorney (POA) or protection mandate	✓	✓
Provincial or Territorial court appointment order including: <ul style="list-style-type: none"> <li>▪ appointment of a Public Guardian or Public Trustee, or</li> <li>▪ a Federal Appointment Order of an Administrator of Property by ISC</li> </ul>	✓	✓

Table 2: Representative Types – **Deceased** Removed **Children**

<b>Representative Types for Deceased Removed Children</b>	
<b>Type of Representative</b>	<b>Deceased Removed Child Claimant</b>
1 <sup>st</sup> priority if present - Grant of Authority – <b>Estate Process</b> - e.g., will, letter of administration etc.	✓
2 <sup>nd</sup> priority if No Grant of Authority – <b>Heirs Process</b> (Table 4)	✓



**Table 3: Representative Types – Deceased Removed Child Caregiving Parents or Caregiving Grandparents**

<b>Types of Representative (✓) / Recipients of compensation (★) for Deceased Eligible Removed Child Caregiving Parent or Caregiving Grandparent</b>		
<b>Claimant Characteristics: Permitted Scenarios<sup>3</sup></b>	<b>Scenario 1</b>	<b>Scenario 2</b>
Complete Claim Submitted by Caregiving Parent or Caregiving Grandparent while Alive? <sup>1</sup>	<b>Yes or No</b>	<b>Yes</b>
Claimant’s Associated Removed Child’s or Grandchild’s time in Care <sup>2</sup> :	2006-2022	All others
Claimant’s Associated Removed Child or Grandchild Placement - On Reserve or Off Reserve:	OFF Reserve	
Claimant’s Associated Removed Child or Grandchild Placement - Family or Non-Family:	Non-Family	
<b>Types of Permitted Representatives / Recipients of compensation</b> <i>Based on Claimant Characteristics listed above</i>		
<b>1<sup>st</sup> priority</b> if Grant of Authority present: <b>Estate Process</b> (e.g., Will, letter of administration etc.); OR	✓	✓★
<b>2<sup>nd</sup> priority</b> if No Grant of Authority: <b>Heirs Process</b> (Table 4); OR	✓	✓★
<b>Eligible child or grandchild:</b> All living child(ren) of deceased Caregiving Parent or living grandchild(ren) of deceased Caregiving Grandparent	✓★	X
<b>Settlement Agreement reference:</b>	SA.14.03(1), SA.14.03(2)	SA.14.03(3)
<p><u>Notes:</u></p> <ul style="list-style-type: none"> <li>▪ Note 1: For deceased Caregiving Parent or Caregiving Grandparent Claimants, if a complete Claim was not received while Claimant was alive, no compensation will be paid in respect of the Claimant (SA.14.03(3)) unless the Associated Removed Child was in care during 2006-2022, and placed Off-Reserve with Non-Family.</li> <li>▪ Note 2: Scenario 1 timeframe: at least some of the time in care was during January 1, 2006 to March 31, 2022 Scenario 2 timeframe: in care any time during April 1, 1991 to March 31, 2022</li> <li>▪ Note 3: All other scenarios mean that a Representative of a Deceased Removed Child Caregiving Parent or Caregiving Grandparent will not be eligible to submit a Claims Form</li> <li>▪ ✓ = This type of Representative is <u>permitted</u> to submit the Claims Form on behalf of the Claimant, based on priority.</li> <li>▪ X = This type of Representative is <u>not permitted</u> to submit the Claim Form or receive payment on behalf of the Claimant, unless they fall into one of other permitted types.</li> <li>▪ ★ = This type of Representative is <u>permitted to receive payment</u> (for self or Estate, as applicable) if determined eligible.</li> </ul>		

Table 4: Heir Priorities (SA.14.05(3))

Priority Heir #	Category of Relationship of Heir to deceased Child Claimant or Caregiving Parent or Caregiving Grandparent Claimant (limited) - Only one category permitted)	Allocation of compensation
1	Spouse at the time of Claimant’s death. Spouse means: <ul style="list-style-type: none"> <li>▪ Legally married; or</li> <li>▪ Not married but common law for at least one year at the time of death; or</li> <li>▪ Not married but have a relationship of permanence as parents of a child</li> </ul>	100%
2	Child or Children <ul style="list-style-type: none"> <li>▪ Alive at the time claim is submitted to Administrator</li> <li>▪ No identified living spouse</li> </ul>	Pro-rata
3	Grandchild or grandchildren <ul style="list-style-type: none"> <li>▪ Alive at the time claim is submitted to Administrator</li> <li>▪ No identified living spouse, no children</li> </ul>	Pro-rata
4	Parents <ul style="list-style-type: none"> <li>▪ Alive at the time claim is submitted to Administrator</li> <li>▪ No identified living spouse, no children, no grandchildren</li> <li>▪ Not excluded from compensation due to Abuse of the Child (SA.14.05(7))</li> </ul>	Pro-rata
5	Sibling(s) <ul style="list-style-type: none"> <li>▪ Alive at the time claim is submitted to Administrator</li> <li>▪ No identified living spouse, no children, no grandchildren, no parents</li> </ul>	Pro-rata
6	Grandparents <ul style="list-style-type: none"> <li>▪ Alive at the time claim is submitted to Administrator</li> <li>▪ No identified living spouse, no children, no grandchildren, no parents, no siblings</li> <li>▪ Not excluded from compensation due to Abuse of the Child (SA.14.05(7))</li> </ul>	Pro-rata

## 12. Other types of Representation and No Assignment

### 12.1. Non-Class Counsel Legal Professionals

- 12.1.1. No person may collect a fee or disbursement from a Claimant for completing Claims Forms or providing Supporting Documentation (**SA.19.04(2)**), other than as provided in the court-approved Non-Class Counsel Legal Professionals Protocol ("Protocol").
- 12.1.2. The Administrator will process claims submitted by Non-Class Counsel Legal Professionals in accordance with the Protocol, once it is provided with an executed copy of the retainer agreement between Other Counsel and the Claimant, along with all relevant provisions outlined in the Protocol.

### 12.2. No Garnishments

- 12.2.1. In accordance with **SA.19.04(1)** and **SA.19.04(3)**, any compensation to which a Claimant is entitled will be issued to the Claimant directly and not assigned to other entities or individuals that may be seeking access to funds payable to the Claimant, excluding an arrangement with Other Counsel in accordance with **Section 12.1**, or compensation directed in accordance with an Investment Option available to the Claimant
- 12.2.2. In cases where individuals, entities, or Garnishors such as, but not limited to creditors or Government agencies (e.g., Canada Revenue Agency, Family Responsibility Office), contact the Administrator directly in respect of funds that were or may be payable to the Claimant, the Administrator will, as appropriate, direct such cases to the SIC for consideration and instructions on next steps (if any).

### 12.3. Public Guardians and Trustees (PGT) and ISC Estates

- 12.3.1. From time to time, the Public Guardian and Trustee (PGT) or ISC Estates where a federal appointment of Administrator of Property has been made may share information with the Administrator with respect to the individuals ISC Estates or the PGT represents, including documents in support of such representation, in accordance with a process to be agreed on by Administrator, PGT and the SIC.
- 12.3.2. If the PGT or ISC Estates has been legally appointed to represent a Claimant, the PGT's or ISC Estates' representation of the claimant will take priority above any other representatives, where such representation is validated by the Administrator.
- 12.3.3. Where there are competing claims between the PGT, ISC Estates, or other(s), the Administrator will communicate to the other representative(s) that (a) an ISC Estates appointment or (b) the PGT appointment (in that order of priority) exists, and takes priority.
- 12.3.4. Any compensation owing to eligible Claimant will be sent directly to ISC Estates or the PGT, as the case may be.
- 12.3.5. Any fees associated with ISC Estates or the PGT's representation of the Claimant for the purposes of this Claims Process are the responsibility of

the PGT and will not be addressed by the Administrator as part of this Claims Process or any other process in accordance with the SA.

## 13. Exceptional Early Payments of Compensation Funds to Minors (SA.6.10)

### 13.1. Eligibility

- 13.1.1. It is expected that this provision will be applicable in rare circumstances for Removed Child Class Members who cannot have their Claim adjudicated to determine eligibility or receive compensation in accordance with SA.6.01(4), as they have not reached the age of majority.
- 13.1.2. An exceptional early payment may be determined by the Administrator for such individuals, where the following criteria applies:
  - A. The Claimant meets the requirements to be an Approved Removed Child Class member (SA.6.10(2)(b)), other than age; and
  - B. The Claimant has not yet reached the Age of Majority (SA.6.10(1)) at the time claim is submitted; and
  - C. The Claimant is suffering from a terminal or severe degenerative life-threatening condition that has placed their life in jeopardy (SA.6.10(2)(b)); and
  - D. The Claimant, or their legal guardian, provides adequate documentation (Section 13.2); and
  - E. Once all of the above a) through d) are deemed satisfied by the Administrator, the Administrator may exceptionally approve the payment of compensation for the Claimant who has not reached the Age of Majority in accordance with SA.6.10.

### 13.2. Documentation

- 13.2.1. In accordance with SA.6.10, in order to determine whether an Exceptional Early Payment of Compensation Funds may be issued with respect to the Claimant, the Administrator will require the individual to provide such documentation in good faith as is required to assess:
  - A. The Claimant's eligibility; and
  - B. The Claimant's terminal or severe degenerative life-threatening condition; and
  - C. The validity of the Claimant's life-changing or end-of-life experience request. In determining the validity of the request, the Administrator will have regard for the circumstances and nature of the request; and
  - D. The age and circumstances of the Child and whether the Child needs any protection; and

- E. The approximate cost of the life-changing or end-of-life wish experience.

### 13.3. Compensation

- 13.3.1. The Administrator will assess a Claimant's eligibility for an Exceptional Early Payment to fund or reimburse the cost in an amount up to, but no more than \$40,000, as determined by the Administrator based on the Documentation provided to the Administrator (SA.6.10(4)).
- 13.3.2. The Administrator will make the assessment on an expedited basis commensurate with the Child's circumstances and in the best interest of the Child (SA.6.10(5)).
- 13.3.3. Where a Class Member has received an Exceptional Early Payment and later submits a Claim for compensation, the amounts paid as Exceptional Early Payment will be deducted by the Administrator from that Claimant's total entitlement, if any, to compensation under the Settlement Agreement. (SA.6.10(6))
- 13.3.4. Compensation will be issued in the name of the legal guardian of the minor child approved for the Exceptional Early Payment unless otherwise prescribed by relevant supporting documentation provided in respect of the Child's care and guardianship.

## Appendix A: Key Characteristics of Removed Child Class

Eligibility Criteria	Removed Child Class
Child must have been removed from their home during this period:	April 1991 to March 2022
Status of Child must be First Nations - in accordance with Settlement Agreement?	Yes – must be First Nations
Child’s removal or placement was carried out by:	Removal by child welfare authority
Child must have been removed from	Home
Age of Child on date of removal:	Under Age of Majority
Required “Ordinarily Resident” at the time of removal/ placement (location)	In Canada: on Reserve or Yukon
Who must be Ordinarily Resident at the time of removal / placement (individual)	Child or at least one Caregiving Parent or Caregiving Grandparent
Child must have been placed (location of placement)	On or off Reserve
Child must have been placed with (people / institution)	<p>“Out of home Placement”: any Placement <b>funded</b> by ISC such as:</p> <ul style="list-style-type: none"> <li>• Assessment Home,</li> <li>• Non-kin Foster Home,</li> <li>• Paid Kinship Home,</li> <li>• Group Home,</li> <li>• Residential Treatment Facility,</li> <li>• or another ISC-funded placement</li> </ul>
Could Child have been placed with family / extended Family?	Yes, but only for funded placements (Paid Kinship Home)
How was placement funded?	Must have been funded by ISC
Other Characteristics of the class:	<ul style="list-style-type: none"> <li>• Child placed “in care”</li> <li>• Child Welfare Agency is the legal guardian of the child</li> </ul>
Base Compensation payment	\$40,000
Enhancement Payment	Eligible based on Enhancement Factors
Total Budget for compensation for Removed Children	\$7.25 billion

## Appendix B: Defined Terms

In this Claims Process, the following definitions apply:

1. Terms identified in the Settlement Agreement carry the same meaning as defined in Article 1 of the Settlement Agreement, as reproduced in Appendix XX.
2. Terms identified in this Claims Process are defined as follows:
  - **“Acceptance of Request for Deadline Extension”** means a communication by the Administrator to a Claimant that their Request for Deadline Extension has been accepted by the Administrator, and next steps (if any).
  - **“Additional Information”** means information or Supporting Documentation provided by Claimant to Administrator subsequent to initial submission of their Claims Form, separate and apart from Missing Information.
  - **“Appeal Decision Letter”** means a communication by the Third-Party Assessor to the Claimant, notifying them of the Appeal Decision, with reasons, depending on the nature of the Appeal. The issuance of such communication may be facilitated by the Administrator or the Third-Party Assessor, at the discretion of the Third-Party Assessor.
  - **“Appeal Decision”** means any final decision by Third-Party Assessor with respect to an Appeal. The Third-Party Assessor will issue an Appeal Decision in instances where a Claimant submitted a Request for Appeal Form that was not denied by the Administrator via a “Denial of Request for Appeal”.
  - **“Appeal”** means to request or the request itself, of the Claimant, to review the Administrator’s decision with respect to their Claim. An Appeal can be initiated by the Claimant by filling out and submitting to the Administrator a Request for Appeal Form in the format and timeframe as prescribed in the Settlement Agreement and this Claims Process (**Section 6**).
  - **“Appellant”** means a Claimant who submitted a Request for Appeal Form to the Administrator.
  - **“Approval of Eligibility Letter”** means a communication by the Administrator to a Claimant, notifying them of the Administrator’s final decision confirming that the Claimant is an Approved Class Member, and, where applicable, next steps.
  - **“Approval of Eligibility”** means a final decision by the Administrator confirming that the Claimant is an Approved Class Member and therefore may be eligible for compensation in accordance with the Settlement Agreement.
  - **“Claims Form”** as defined in the Settlement Agreement and further described in this Claims Process means a designated document made available by the Administrator to be filled out by a Claimant for the purpose of making a Claim for compensation for a designated Class. Each Class has a designated Claims Form such that the information and supporting documentation requested in the Claims Form allow the Administrator to assess whether the Claimants meets the definition of the Class as defined in the

Settlement Agreement. A designated Claims Form may also be available for individuals applying on behalf of Claimants.

- **“Claims Deadline”** means, as defined in the Settlement Agreement, the date that is:
  - (a) three (3) years after the Claims Process Approval Date applicable to each class: for Class Members who have reached the Age of Majority or died before the Claims Process Approval Date applicable to those Class Members;
  - (b) three (3) years after the date on which a Class Member reaches the Age of Majority: for Class Members who have not reached the Age of Majority by the time of the Claims Process Approval Date applicable to their class; or
  - (c) three (3) years after the date of death: for Class Members who were under the Age of Majority and alive by the time of the Claims Process Approval Date applicable to their class and who died or die prior to reaching the Age of Majority; or
  - (d) an extension of the deadlines in (a)-(c) above by 12 months: for Class Members individually approved on request by the Administrator on the grounds that the Claimant faced extenuating personal circumstances and was unable to submit a Claim as a result of physical or psychological illness or challenges, including homelessness, incarceration or addiction, or due to unforeseen community circumstances such as epidemics, community internet connectivity, pandemics, natural disasters, community-based emergencies or service disruptions at a national, regional or community level.
  - (e) Notwithstanding sub-Articles (a)-(c), above, the Parties may request from the Court an extension of time after the Claims Process Approval Date applicable to the first Claims Process to mark the commencement of the three-year period during which Class Members may make a Claim. Such an extension may only be granted with respect to the first Claims Process that is ready for the Court's approval. Such an extension is intended to be limited to the amount of time reasonably needed to prepare all necessary implementation elements of the Claims Process to enable the commencement of the Claims Process, not to exceed six months from the first Claims Process Approval Date.
- **“Claims Deadline Extension”** or **“Extension”** means an extension of the time that a Claimant is granted to submit a Claims Form to the Administrator, from the three (3) years prescribed under the Settlement Agreement, up to an additional twelve (12) months following the expiry of the three (3) year term applicable to the Class Member, in accordance with **Section 9**. In order to receive an Extension of the Claims Deadline, a Claimant must submit a Request for Deadline Extension Form to the Administrator and receive an Acceptance of Request for Deadline Extension by the Administrator or on Appeal by the Third-Party Assessor.
- **“Claims Period”** means the three-year timeframe which expires on the Claims Deadline. The beginning of the Claims Period will vary for Claimants depending on their circumstances, but will commence no earlier than the Launch Date.



- **“Complete Claims Form”** means a Claims Form that provides the Administrator sufficient information about a Claim including any Supporting Documentation requested on the Claims Form and / or separately by the Administrator, to initiate and/or complete the adjudication of the Claim and issue an Eligibility Decision. A Complete Claims Form may result in either an Approval of Eligibility, or a Denial of Eligibility, or an Inconclusive Eligibility decision. The Administrator’s assessment of completeness may differ depending on the Class for which the Claims Form was submitted, whether the Claims Form is for an ON-ISC Database Claimant or Off-ISC Database Claimant, whether there is a Representative submitting the Claims Form on behalf of a Claimant, and other circumstances specific to the Claimant. The determination of whether a Claims Form is a Complete Claims Form or Incomplete Claims Form is subject to the discretion of the Administrator. Examples of factors affecting the Administrator’s decision include, but are not limited to the Administrator’s ability to identify and confirm: signature of the Claimant is present where required in the Claims Form; the identity of the Claimant; the relationship of the Family Class Member to the Child Class Member; certain elements of eligibility which cannot be ascertained from information otherwise available to the Administrator; other types of information relevant to each Claims Form and Class.
- **“Confirmation of Receipt”** means a communication by the Administrator to a Claimant that their Claims Form has been received by the Administrator, in the first instance of receipt of a Claims Form for each Class.
- **“Decline of Claims Form for Minor”** means a decision by the Administrator that a Claims Form submitted for or on behalf of a Claimant who is a Minor cannot be reviewed because it was submitted when the Claimant was more than two years prior to the Age of Majority.
- **“Denial of Eligibility Letter”** means a communication by the Administrator to a Claimant, notifying them of the Administrator’s Denial of Eligibility decision, along with reasons for Denial of Eligibility, and, where applicable, next steps.
- **“Denial of Eligibility”** means a final decision by the Administrator confirming that the Claimant is not an Approved Class Member and therefore not eligible for compensation in accordance with the Settlement Agreement.
- **“Denial of Request for Appeal”** means a communication by the Administrator to a Claimant, notifying them that their Request for Appeal was denied and will not be submitted to Third-Party Assessor. Administrator will issue a Denial of Request for Appeal in instances where a Request for Appeal Form was not submitted to the Administrator in accordance with the terms of the Settlement Agreement and/or this Claims Process, including but not limited to, missing the 60-day deadline to Appeal or request an Appeal for reasons where an Appeal is not permitted. Where a Denial of Request for Appeal is issued by the Administrator, the decision of the Administrator is final and binding with no further option to appeal.
- **“Denial of Representation”** means a decision by the Administrator that the individual who submitted a Claims Form on behalf of a Claimant is not an eligible type of Representative or Personal Representative and therefore cannot act on behalf of the Claimant for the purposes of the Settlement Agreement and Claims Process.

- **“Ultimate Claims Deadline”** means the conclusion of the four (4) year time period which includes the three (3) year timeframe to submit a Claims Form to the Administrator and the additional twelve (12) months immediately following the Claims Deadline during which a Claimant may submit a Claims Form if approved by the Administrator, in accordance with [Section 9](#) and [Section 10](#).
- **“Final Notice for Missing Information Letter”** means a communication by the Administrator to a Claimant, sent by verifiable means (verifiable means mailing option to be used only where valid mailing address available for Claimant), notifying them that they have not provided Missing Information as requested in the Missing Information Letter(s) previously sent by the Administrator.
- **“Incomplete Claims Form”** means a Claims Form and any Supporting Documentation requested on the Claims Form and/or separately by the Administrator, that does not provide the Administrator sufficient information about a Claim for the Administrator to conclude it to be a Complete Claims Form. An Incomplete Claims Form will result in a Request for Missing Information sent by the Administrator to the Claimant. The Administrator’s assessment of completeness may differ depending on the Class for which the Claims Form was submitted, whether the Claims Form is for an ON-ISC Database Claimant or Off-ISC Database Claimant, and other circumstances specific to the Claimant. The determination of whether a Claims Form is a Complete Claims Form or Incomplete Claims Form is subject to the discretion of the Administrator.
- **“Inconclusive Eligibility Letter”** means a communication by the Administrator to a Claimant, notifying them of the Administrator’s Inconclusive Eligibility determination, with instructions for next steps, if any. A Claimant who receives an Inconclusive Eligibility Letter will ultimately receive either an Approval of Eligibility Letter or Denial of Eligibility Letter, once the Administrator is able to finalize relevant adjudication procedures and issue a final decision on whether a Claimant is an Approved Class Member.
- **“Inconclusive Eligibility ”** means a temporary decision by the Administrator that a conclusive determination of whether the Claimant is an Approved Class Member cannot be reached. The Administrator arrives at an Inconclusive Eligibility determination where a Removed Child Class Claimant or the Removed Child Class Member associated with the Removed Child Family Class Claimant cannot be located on the ISC Database, and more information is required.
- **“Indian Registry Database”** means a confidential database of records that identify certain details of Indian Registry members, such as parental and grandparent relationship, and First Nation membership status. Canada will provide the Indian Registry Database to the Administrator to be used exclusively and relied upon by the Administrator for the purpose of administering the Claims Process. The Administrator may not provide any data or records included in the Indian Registry Database to any party.
- **“Investment Option(s)”** means the choice(s) available to an eligible Claimant to invest the compensation received in accordance with the Settlement Agreement as opposed to receiving a direct payment. Investment Options include structured settlements and/or such other investment option as is recommended by the

Investment Committee and approved by the SIC. Investment Options may be applied to the entire amount or a portion of the compensation for which the Claimant is eligible under the Settlement Agreement.

- **“ISC Database”** means a confidential database of records that identify certain details of removal for certain individuals who may be Removed Child Class Members, where the removal and placement was funded by ISC. Canada will provide the ISC Database to the Administrator to be used exclusively and relied upon by the Administrator for the purpose of administering the Claims Process. The Administrator may not provide any data or records included in the ISC Database to any party.
- **“Launch Date”** means the date when this Claims Process for the Removed Child Class and Removed Child Family Class will commence, such that Class Members will be able to submit a Claim to the Administrator by filling out and submitting Claims Form.
- **“Minor”** means a person who has not reached the Age of Majority in the province or territory where they reside, attached hereto as **Appendix C**.
- **“Missed Claims Deadline Notice”** means a communication by the Administrator to a Claimant who submitted a Claims Form after the Claims Deadline, and must submit a Request for Deadline Extension Form for the Administrator to review in accordance with the Claims Process before their Claims Form can be assessed.
- **“Missing Information”** means specific information and/or Supporting Documentation not provided by a Claimant to the Administrator, but determined by the Administrator as required to complete the Claims Form, in order to commence and/or complete the adjudication process and issue an Approval of Eligibility Letter, or a Denial of Eligibility Letter, or an Inconclusive Eligibility Letter.
- **“Non-Class Counsel Legal Professional”** is a lawyer, notary or other similar legal professional who is not Class Counsel and has been retained by a Claimant for the purpose of participating in the Settlement. Such legal professionals are subject to the court-approved Non-Class Counsel Legal Professionals Protocol (“Protocol”).
- **“Notification of Compensation”** means a communication by the Administrator to a Claimant, of type(s) of compensation Claimant may be eligible for and any relevant instructions. Where applicable, the communication may be issued in multiple instances for one Claimant, if compensation is issued in tranches, and where Claimant may be eligible for multiple types of compensation such as, but not limited to, Base Compensation, Enhancement Payment, Interest Payments. Where applicable, Notification of Compensation will include options to receive some or all of the compensation as a direct payment or an Investment Option, as well as available financial literacy supports.
- **“Off-ISC Database Claimant”** means a Removed Child Class Claimant who cannot be located on the ISC Database, or the Removed Child Family Class Claimant where the Associated Removed Child Class Member cannot be located on the ISC Database.
- **“On-ISC Database Claimant”** means a Removed Child Class Claimant who can be located on the ISC Database, or the Removed Child Family Class Claimant where the Associated Removed Child Class Member can be located on the ISC Database.

- **“Refusal of Request for Deadline Extension”** means a communication by the Administrator to a Claimant that their Request for Deadline Extension has been refused by the Administrator, with reasons and next steps (if any).
- **“Request for Appeal Form”** means a Form designed by the Administrator and made available to Claimants, for the purpose of appealing a decision of the Administrator. A Request for Appeal Form may only be completed and submitted to the Administrator for the specific instances where an Appeal is permitted in accordance with the Settlement Agreement and this Claims Process ([Section 6](#)).
- **“Request for Deadline Extension Form”** means a designated form made available by the Administrator to be filled out by a Claimant for the purpose of making a request for a Claims Deadline Extension, in accordance with [Section 10](#).
- **“Request for Missing Information”** means a communication by the Administrator to a Claimant, identifying Missing Information with instructions to provide to the Administrator.
- **“SIC”** means Settlement Implementation Committee.

## Appendix C: Provincial and Territorial Ages of Majority

Source: Schedule C of the Settlement Agreement

Province / Territory	Age of Majority	Governing Statute/Provision
Alberta	18 years old	"Every person attains the age of majority and ceases to be a minor on attaining the age of 18 years" Source: <i>Age of Majority Act</i> , RSA 2000, c A-6, s 1
British Columbia	19 years old	"From April 15, 1970, (a) a person reaches the age of majority on becoming age 19 instead of age 21, and (b) a person who on that date has reached age 19 but not 21 is deemed to have reached majority on that date" Source: <i>Age of Majority Act</i> , RSBC 1996, c 7, s 1(1)
Manitoba	18 years old	"Every person attains the age of majority, and ceases to be a minor, on attaining the age of 18 years" Source: <i>The Age of Majority Act</i> , CCSM 1988, c A-7, s 1
New Brunswick	19 years old	"A person attains the age of majority and ceases to be a minor on attaining the age of 19 years" Source: <i>Age of Majority Act</i> , RSNB 2011, c 103, s 1(1)
Newfoundland And Labrador	19 years old	"Every person who attains the age of 19 years (a) attains the age of majority; and (b) ceases to be a minor person" Source: <i>Age Of Majority Act</i> , SNL 1995, c A-4.2, s 2
Northwest Territories	19 years old	"Every person attains the age of majority, and majority ceases to be a minor, on attaining the age of 19 years" Source: <i>Age of Majority Act</i> , RSNWT 1988, c A-2, s 2
Nova Scotia	19 years old	"Every person attains the age of majority, and ceases to be a minor, on attaining the age of nineteen years" Source: <i>Age of Majority Act</i> , RSNS 1989, c 4, s 2(1)
Nunavut	19 years old	"Every person attains the age of majority, and ceases to be a minor, on attaining the age of 19 years" Source: <i>Age of Majority Act</i> , RSNWT (Nu) 1988, c A-2, s 2
Ontario	18 years old	"Every person attains the age of majority and ceases to be a minor on attaining the age of eighteen years" Source: <i>Age of Majority and Accountability Act</i> , RSO 1990, c A.7, s 1
Prince Edward Island	18 years old	"Every person attains the age of majority and ceases to be a minor on attaining the age of eighteen years" Source: <i>Age of Majority Act</i> , RSPEI 1988, c A-8, s 1
Quebec	18 years old	"Full age or the age of majority is 18 years. On attaining full age, a person ceases to be a minor and has the full exercise of all his civil rights" Source: <i>Civil Code of Quebec</i> , c CCQ-1991, c 64, s 153
Saskatchewan	18 years old	"Every person attains the age of majority and ceases to be a minor on attaining the age of eighteen years" Source: <i>Age of Majority Act</i> , RSS 1978, c A-6, s 2(1)
Yukon	19 years old	"Every person reaches the age of majority, and ceases to be a minor, on reaching the age of 19 years" Source: <i>Age of Majority Act</i> , RSY, c 2, s 1