

Overview of Claims Process for Compensation:

Removed Child Class & Removed Child Family Class

First Nations Child and Family Services, Jordan's Principle, and Trout Class Settlement Agreement

AFN - Claims Process Regional Engagement Sessions

February – March 2024





Why we are here today...

- The First Nations Child and Family Services and Jordan's Principle (FNCFSJP) Settlement was approved by the Federal Court on October 24, 2023.
- We are in the process of developing the Claims Process for the Removed Child Class and Removed Child Family Class, and are seeking your input and feedback along the way.
- The Claims Process will explain who can make a claim, how claims are to be made, the timing for claims, how the Administrator will review claims for eligibility, and distribution of compensation.



We are taking a phased approach to implementation

- The objective is to get compensation to Claimants as quickly and effectively as possible
- To do this, we will roll out the implementation of the Settlement in phases, as soon as the Claims Process for each Class is defined
- Specific timelines are not yet known and ordering of phases may change

WE ARE HERE

1 a

Phase 1a: Approval by the Federal Court

1 b

Phase 1b: Removed Child and Family Class for children who are on the ISC Database

1 c

Phase 1c: Enhancement Factors Eligibility & Payments (subject to budget)

2

Phase 2: Jordan's Principle, Trout & Essential Services Classes & associated Family Classes (following successful completion of the Pilot Project)

3

Phase 3: Kith Child and Kith Family Class



Agenda

This presentation is about the Claims Process for the Removed Child Class, Removed Child Family Class, and Representatives of both the Removed Child and Removed Child Family Classes.

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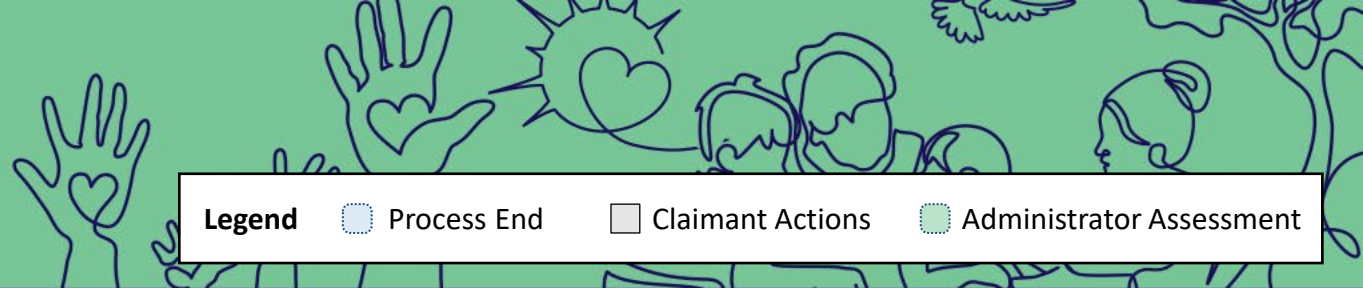
Removed Child Class Claimant & Representatives' Journey through the Claims Process

*This section provides an overview of the journey through the Claims Process for **Removed Child Class Claimants** and their **Representatives**.*

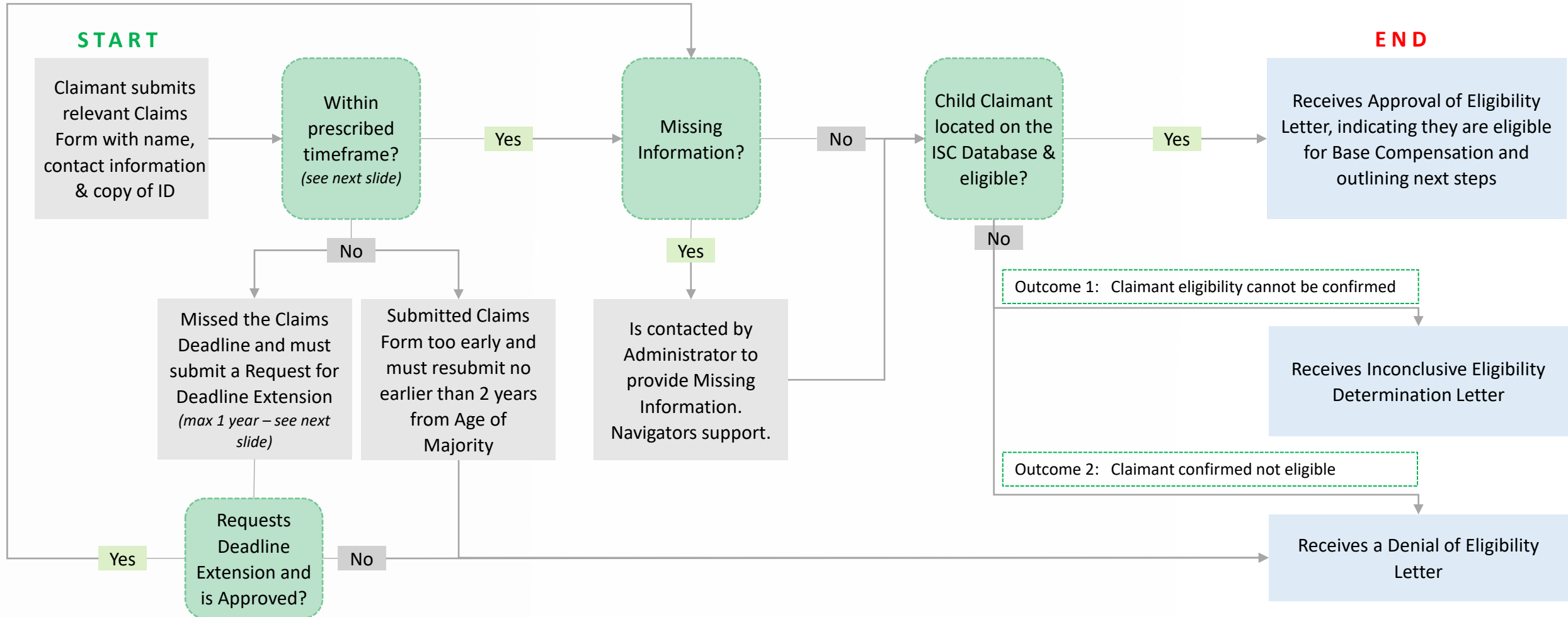


Claimant Journey

Removed Child Class Claimant



Legend Process End Claimant Actions Administrator Assessment





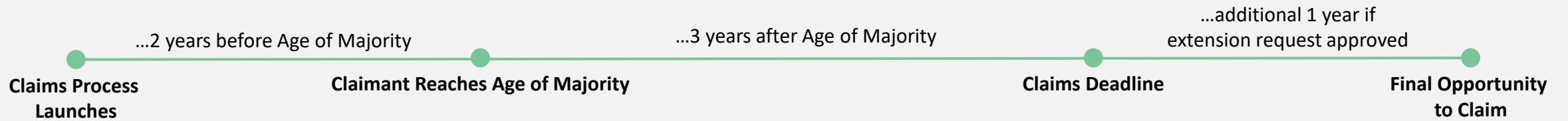
Claimant Journey

Removed Child Class Claimant Details (1/3)

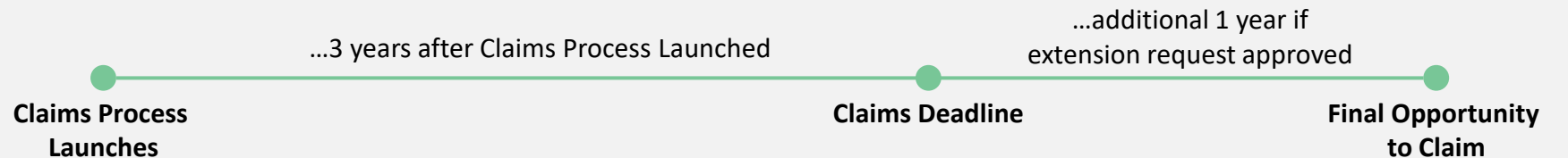


When can a Removed Child submit a Claim?

If Removed Child not at age of majority when Claims Process is launched, then Removed Child can submit a Claim...



If Removed Child has reached age of majority when Claims Process is launched, then Removed Child can submit a Claim...



Claims period of 3 years plus an additional extension period of 1 (if approved)



Claimant Journey

Removed Child Class Claimant Details (2/3)



What is the eligibility criteria for a Removed Child?

- A Removed Child may be eligible if they were:
 - A First Nations person who was removed from their home as a Child
 - Placed into care by Child Welfare Authorities between April 1, 1991 and March 31, 2022 while the Child or their Caregiving Parent(s) or Caregiving Grandparent(s) were Ordinarily Resident on Reserve in Canada or in the Yukon.
- To qualify for compensation, Removed Child's placement must have been funded by Indigenous Services Canada (ISC).
- Removals from the Northwest Territories are not covered under this Settlement Agreement.



Claimant Journey

Removed Child Class Claimant Details (3/3)



How much should a Removed Child expect to receive if their Claim is successful?

1. Approved Removed Child Claimants eligible for **Base Compensation** will receive **\$40,000** CAD. This amount will not be multiplied by the number of times the Removed Child was placed into care.
2. Approved Removed Child Claimants may also be eligible to receive an **Enhancement Payment** based on Enhancement Factors. *This process is under development – more details will be provided at a later date.*
3. Approved Removed Child Claimants may also be entitled to receive **interest** in certain cases where Child was placed off-Reserve, with non-Family, during the CHR Interest Accrual Period of January 1, 2006 – March 31, 2022).

What appeals process exists for a Removed Child whose Claim is denied?

Claimants can appeal Administrator’s decisions throughout the Claims Process by submitting a ‘Request for Appeal of Administrator’s Decision’ form within the prescribed timeline.



Claimant Journey

Representative of a Removed Child Claimant Details (1/2)



Who qualifies as a Personal Representative or Representative of a Removed Child?

Person under Disability - 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.

Deceased Claimant - A Representative is someone who is legally appointed to act on behalf of a deceased Claimant's estate or an Heir of the deceased Claimant.

When can a Personal Representative or Representative of a Removed Child submit a Claim?

A Personal Representative for a living Claimant who is a Person under Disability is subject to the same timelines as the Claimant they represent.

A Representative of a Deceased Claimant will have three years (plus an additional year if an extension is approved), however, the start of the three-year period will depend on whether the Claimant was a minor and their date of death.



Claimant Journey

Representative of a Removed Child Claimant Details (2/2)



How much should a Personal Representative or Representative expect to receive on behalf of a Removed Child if their Claim is successful?

A Personal Representative for a living Claimant who is a Person under Disability will receive, on behalf of the Claimant and for the benefit of the Claimant, the same compensation the Claimant would be eligible for if determined eligible as an Approved Removed Child Class Member.

A Representative for a deceased Claimant who is legally appointed to act on behalf of the Claimant's estate will receive the same compensation the Claimant would be eligible for if determined eligible as an Approved Removed Child Class Member, on behalf of the estate. If there is no one appointed to represent the estate, and the Representative is an Heir of the deceased Claimant who is an Approved Removed Child Class Member, the compensation may be split with other Heirs.



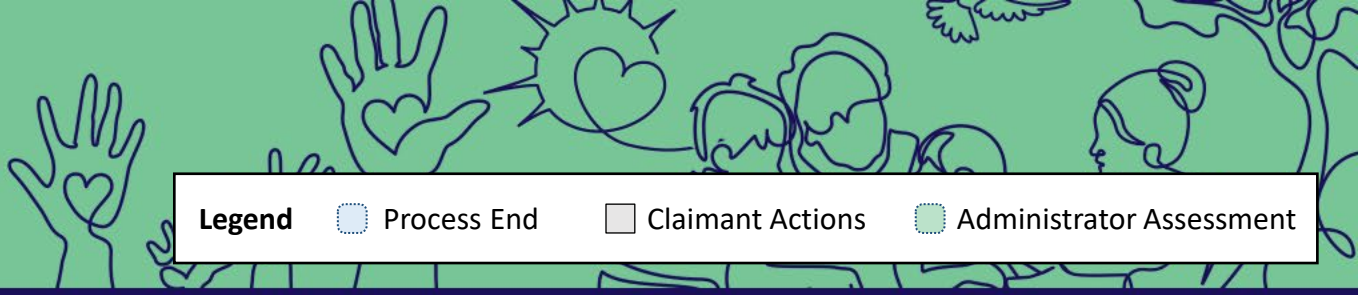
Removed Child Family Class Claimant & Representatives' Journey through Claims Process

*This section provides an overview of the Claimant journey through the Claims Process for **Removed Child Family Class Claimants** or their **Representatives**.*



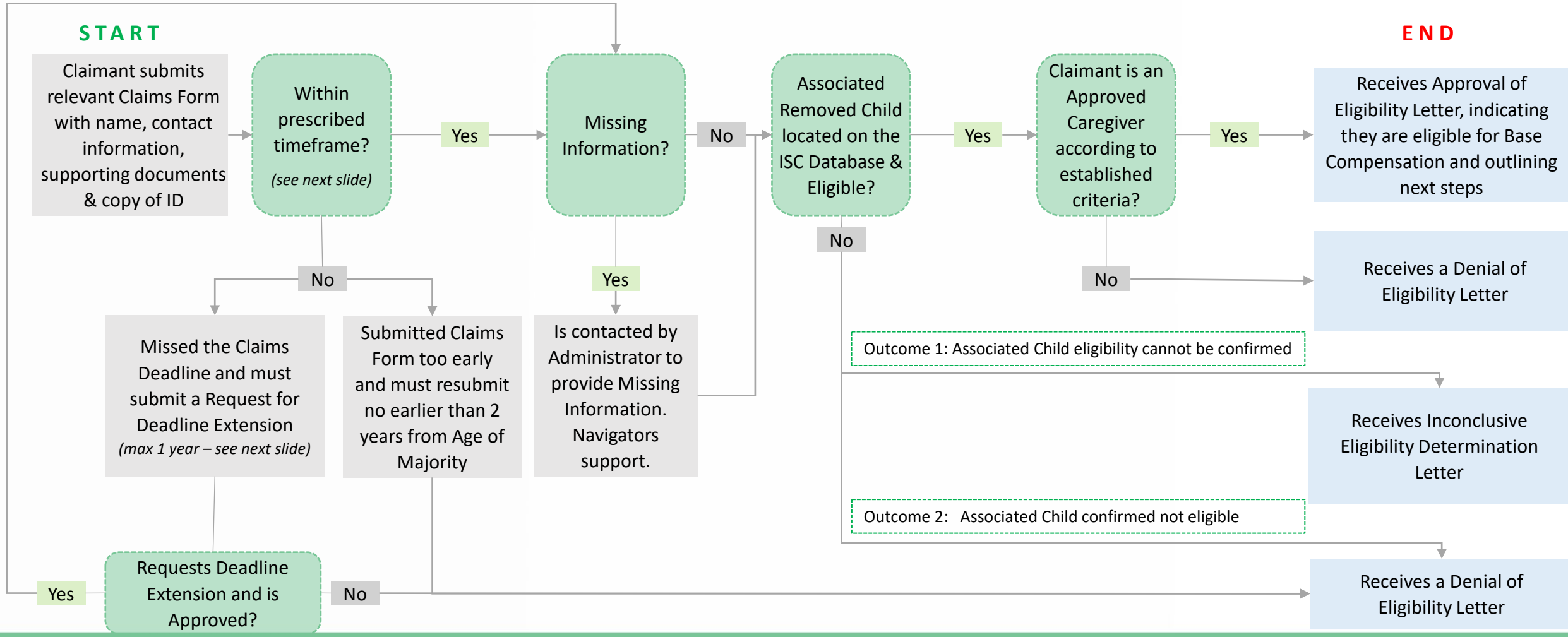
Claimant Journey

Removed Child Family Class Claimant



Legend

- Process End (dotted blue box)
- Claimant Actions (solid grey box)
- Administrator Assessment (dotted green box)





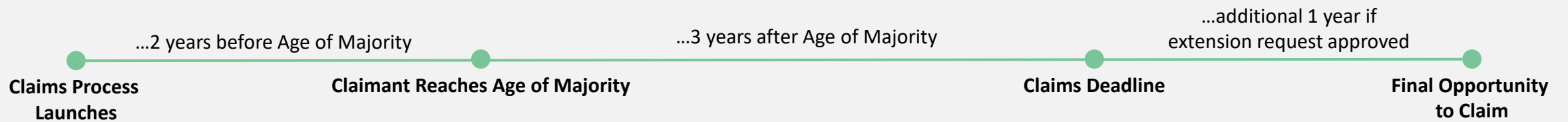
Claimant Journey

Removed Child Family Class Claimant Details (1/4)

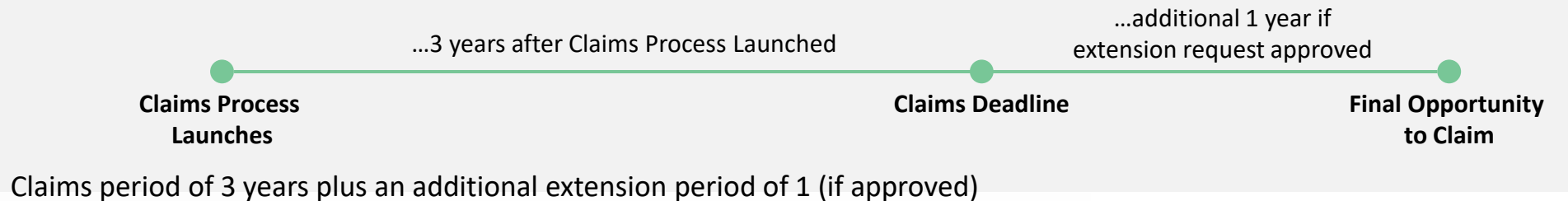


When can a Removed Child Family Class Claimant submit a Claim?

If Claimant not at age of majority when Claims Process is launched, then Claimant can submit a Claim...



If Claimant has reached age of majority when Claims Process is launched, then Claimant can submit a Claim...



Note: The Administrator's assessment of eligibility will commence four (4) years after the Launch Date to assess claims from multiple Caregiving Parents or Caregiving Grandparents regarding the same associated Removed Child.



Claimant Journey

Removed Child Family Class Claimant Details (2/4)



What are the eligibility criteria for a Removed Child Family Class Claimant?

A Removed Child Family Class Claimant may be eligible if the Removed Child(ren) they are claiming for is/are an Approved Removed Child(ren), irrespective of whether the associated Removed Child has submitted a Claims Form **and** the Claimant is related to the Approved Removed Child Class Member as parent through a biological, adoptive or First Nations stepparent relationship, or a grandparent through a biological or adoptive relationship, at the time of first removal.

How much should a Removed Child Family Class Claimant expect to receive if their Claim is successful?

The value of the budgeted Base Compensation is \$40,000 which may be adjusted based on the total number of Claims approved.

The total amount of compensation an Approved Caregiving Parent and Approved Caregiving Grandparent will receive will not be available until after the expiration of the Claims Deadline (including extension).

What appeals process exists for a Removed Child Family Class Claimant whose Claim is denied?

Claimants can appeal Administrator's decisions throughout the Claims Process by submitting a 'Request for Appeal of Administrator's Decision' form within the prescribed timeline.



Claimant Journey

Removed Child Family Class Claimant Details (3/4)



For each Removed Child, 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, except for two First Nations stepparents who may share a Base Compensation pro rata.

In order to conclude which of the Caregivers may be eligible for Compensation, the Administrator will need to determine:

- From whom the Child was removed first; and
- How many and what type(s) of caregivers looked after the Child at the time of first removal and submitted claims; and
- The amount of compensation (if any) payable to each

What is the decision-making process in the event that multiple Caregiving Parents or Caregiving Grandparents submit a Claims Form?

The Administrator will quantify the amount payable as follows:

- Caregiving Parents and Caregiving Grandparents of Children in care as of or removed between January 1, 2006 and March 31, 2022 and placed off-Reserve with non-Family will receive **\$40,000** Base Compensation.
- 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.
- If, after sequencing and priority in compensation is applied, only one Base Compensation remains with respect to a Child, and two First Nations Stepparents 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.



Claimant Journey

Removed Child Family Class Claimant Details (4/4)



Approved Caregiving Parents or Caregiving Grandparents will receive multiple Base Compensation payments, corresponding to the number of eligible Children removed, if they had more than one Child removed and placed **off-Reserve** with **non-Family** any time during April 1, 1991-March 31, 2022, with certain limitations:

- Up to a maximum of two payments (or \$80,000), even if more than two children were removed:
 - where removal and placement occurred between April 1, 1991 and December 31, 2005 (excluding those who remained in care as of January 1, 2006)
 - where the Approved Removed Child Family Class Member is a Stepparent
 - where the Approved Removed Child Family Class Member is a Caregiving Grandparent, and there is a Caregiving Parent (who is not a Stepparent) approved for compensation with respect to the same associated Child.

What if a Caregiving Parent or Caregiving Grandparent had multiple eligible Children removed?



Claimant Journey

Representative of a Removed Child Family Class Claimant Details (1/2)



Who qualifies as a Personal Representative or Representative of a Removed Child Family Class Claimant?

Person under Disability - 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.

Deceased Claimant - A Representative is someone who is legally appointed to act on behalf of a deceased Claimant's estate or an Heir of the deceased Claimant.

A Personal Representative for a living Claimant who is a Person under Disability is subject to the same timelines as the Claimant they represent.

When can a Personal Representative or Representative of a Removed Child Family Class Claimant submit a Claim?

A Representative of a deceased Claimant will have three years (plus an additional year if an extension is approved), however the start of the three-year period will depend on whether the Claimant was a minor and their date of death.

Note: The Administrator's assessment of eligibility will commence four (4) years after the Launch Date (i.e., after the three-year Claims Deadline and one-year Extension Deadline) to assess claims from multiple Caregiving Parents or Caregiving Grandparents regarding the same associated Removed Child.



Claimant Journey

Representative of a Removed Child Family Class Claimant Details (2/2)



In what circumstances may a Claim for a deceased Removed Child Family Class Claimant be considered for compensation?

There are two scenarios where a Claim may be submitted by a Representative on behalf of a deceased Removed Child Family Class Claimant who is either the Caregiving Parent or Caregiving Grandparent of a Removed Child:

Scenario 1:

- Family Class Claimant is: the 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.
- If eligible, compensation is paid to: irrespective of the type of Representative who submitted the Claim, only the deceased Caregiving Parent's living child(ren) or Caregiving Grandparent's grandchild(ren) will receive compensation, if eligible.

Scenario 2:

- Family Class Claimant is: not included in Scenario 1, but submitted a complete Claim while they were alive, during Claims Period.
- If eligible, compensation is paid to: either the estate of the Claimant where the Representative is legally appointed to act on behalf of the deceased Claimant's estate, or if no such appointment, the highest priority living Heir(s)

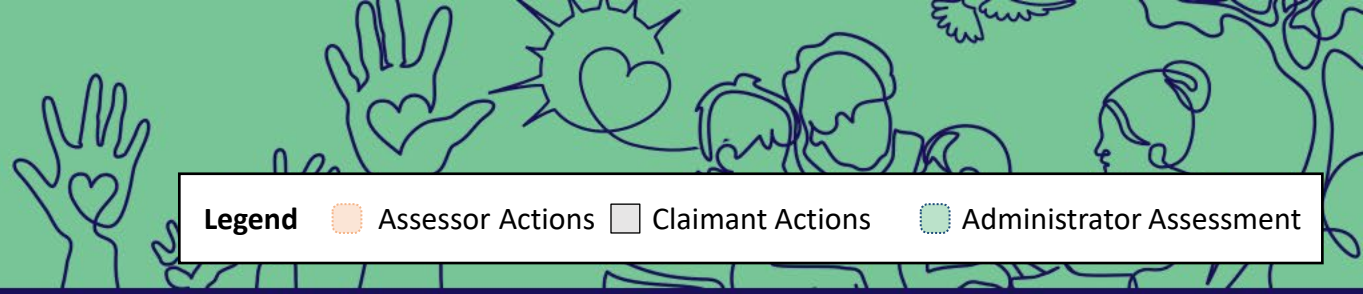


Appeals Process

This section provides an overview of the Appeals Process.



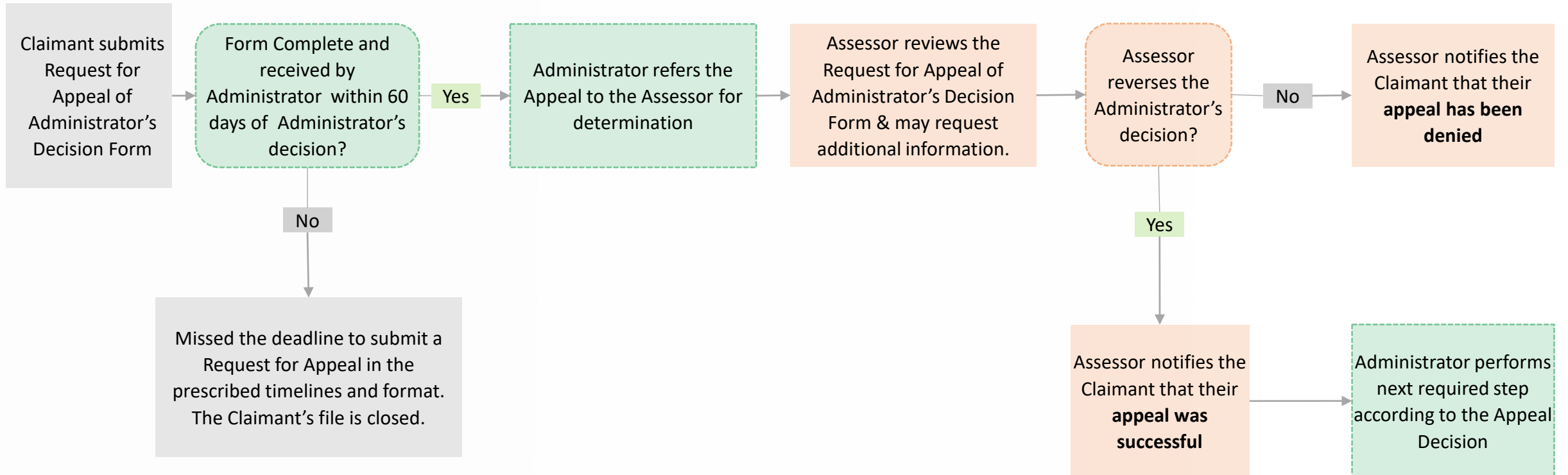
Appeals Process



Legend Assessor Actions Claimant Actions Administrator Assessment

Claimants may appeal Administrator decisions throughout their Claims journey. Below is a description of the Appeals Process.

START



END



Importance of finality of decisions and deadlines

- Certain aspects of the Claim Process have been designed to incorporate specific deadlines to ensure the Administrator is able to adjudicate claims promptly, and compensation can flow to Claimants as quickly as possible.
- This applies to deadlines for submitting a claim, providing missing information, and the appeal process.
- Without deadlines, certain Claimants may be left waiting indefinitely for their compensation, as the Administrator would be waiting for resolution of competing claims or quantification of total claims approved for compensation, before receiving instructions from the SIC or Actuary on next steps.
- **For example**, a caregiving parent or grandparent of a Removed Child cannot get paid before we know that all potential caregiving parents and grandparents have submitted a claim. Without a deadline, the Administrator cannot determine who are the 2 eligible caregiving parents / caregiving grandparents who should receive compensation.



How to Prepare & Expected Timeline

This section provides an overview of how Claimants can prepare for the Claims Process and the timeline leading up to the launch of the Claims Process for the Removed Child Class & Removed Child Family Class.

The Removed Child Class and Removed Child Family Class are the first Classes that will be launched no later than six months from Court approval.



How to prepare for the Claims Process (1/2)



In preparation for the launch of the Claims Process ensure you have...

Removed Child Class Claimants

- One (1) VALID government-issued Photo Identification Card** (e.g. one of the following: Certificate of Indian Status (CIS), Driver's License, Provincial/ Territory Photo ID, Secure Certificate of Indian Status (SCIC), Passport, Correctional Facility Photo IDs), **and if not available, get one.**
- One (1) ACTIVE bank account** that accepts transactions, **and if not available, get one.**

⚠ Child welfare records and knowing the circumstances of your removal are NOT REQUIRED at this time.

Removed Child Family Class Claimants

- One (1) VALID government-issued Photo Identification Card** (e.g. one of the following: Certificate of Indian Status (CIS), Driver's License, Provincial/Territory Photo ID, Secure Certificate of Indian Status (SCIC), Passport, Correctional Facility Photo IDs), **and if not available, get one.**
- One (1) ACTIVE bank account** that accepts transactions, **and if not available, get one.**
- Documentation of your relationship to the Removed Child** (e.g. long form birth certificate (birth certificate with parental information e.g naming biological parents), adoption records (adoptive parents), marriage certificate/license (step-parents)).

⚠ Child welfare records are NOT REQUIRED at this time.



How to prepare for the Claims Process (2/2)



In preparation for the launch of the Claims Process ensure you have...

Representatives

- One (1) VALID government-issued Photo Identification Card** (e.g. Certificate of Indian Status (CIS), Driver's License, Provincial/Territory Photo ID, Secure Certificate of Indian Status (SCIC), Passport, Correctional Facility Photo IDs), **and if not available, get one.**

- Documentation that supports your legal appointment to represent a Claimant who is:**
 - a Person Under Disability (e.g., Power of Attorney or Public Guardianship) and medical document outlining incapacity of the Claimant if necessary
 - Deceased (e.g., Will, Letter of Administration) and Death certificate.

⚠ Child welfare records and knowing the circumstances of removal are NOT REQUIRED at this time.



What happens before compensation starts?

WE ARE HERE



 6 months

Specific timelines are not yet known



Settlement approved by the Court

Appeal period for approval of the Settlement ends

Claims Process for Removed Child and Removed Child Family Classes submitted to the Court by the Parties

Claims Process for Removed Child and Removed Child Family Classes approved by the Court

Claims Process for Removed Child and Removed Child Family Classes opens

Compensation for Removed Child Class starts

Compensation for Removed Child Family Class starts

Claimants are informed about their options for how they receive compensation if eligible, prior to issuance of compensation



Supports to Claimants

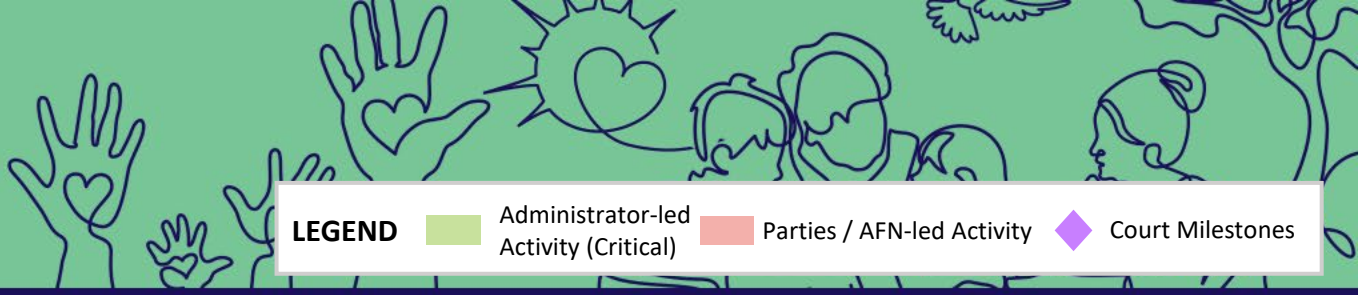
Navigational supports will be available to Claimants to support Class Members

- Throughout the Claims Process...
 - Navigators will be allocated to each region with some dedicated to serve First Nations communities, some in urban centres, and some providing virtual support.
 - Additional mental health and cultural supports will be available in community - we encourage First Nations to discuss their needs directly with Canada.
- As they become eligible for compensation...
 - Claimants will be informed of their options for how to receive funds prior to money being disbursed and will have access to financial literacy supports as needed
 - Claimants will be informed when certain payments may be issued in installments and the associated timelines (once known)

A dedicated presentation on Navigational Supports delivered by Dean Janvier will provide detailed information about these supports available to Claimants.



Expected Timelines Removed Child & Family - Claims Period Launch



LEGEND

- Administrator-led Activity (Critical)
- Parties / AFN-led Activity
- Court Milestones

Timeline													
	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24
	M9	M10	M11	M12	M13	M14	M15	M16	M17	M18	M19	M20	M21
SA Approvals	Development of Financial Literacy & Investment Options selection process (Parties)												
Claims Process Design	Claims Process Design						◆ Estimated date Claims Process & Claims Form approved by Court						
Removed Child & Indian Registry Databases	Canada provides to the Administrator information about Class Members: ISC Database of potential Removed Child Class Members and Indian Registry Database												
Communications and Outreach	Phase 2 Notice Plan Implementation (ongoing comms & social media response) during pre-Implementation phase; Launch Campaign								Ongoing Communications post-Implementation; Reminder Campaigns				
Navigational supports	Navigational Support Design							Navigational Support Services available to Claimants					
Contact Centre	Contact Centre (Call Centre and Emails) Operations to address general inquiries about the Settlement and Claims Process												

2024 – Expected Claims Period Launch
(6 months post Court Approval)(only for Removed Child & Removed Child Family Class)



Thank You

Visit the AFN Website and Sign Up for Updates to stay informed about new information on the Settlement Agreement, Claims Process, and important dates and details about compensation at:

www.fnchildcompensation.ca or

<https://fnchildclaims.ca>