

Day Scholars Estate Claim Form Guide

This is the guide to assist you in filling out the Estate Claim Form for the Indian Residential Schools Day Scholars Class Action Settlement. It is strongly recommended that you complete the form online:

www.dayscholarsclaims.com

Read this Guide and Estate Claim Form carefully. We recommend that you review the claim form in full after filling it in to ensure that it is complete and accurate so that it is not rejected by the Claims Administrator.

The Settlement is for the *Gottfriedson* Indian Residential Schools Day Scholars Class Action. **A Day Scholar is a person who attended an Indian Residential School as a student during the day only, but did not sleep there at night.** The Indian Residential Schools that had, or could have had Day Scholars, are listed in the Estate Claim Form. This list and a map showing the locations of Indian Residential Schools is also online at www.justicefordayscholars.com.

The Estate Claim form is for those who are applying for the \$10,000 Day Scholar Compensation Payment on behalf of deceased Day Scholars who died on or after May 30, 2005.

Complete the Estate Claim Form only if you are applying on behalf of a deceased Day Scholar.

If you are a Day Scholar and you are applying for yourself, please use the Day Scholars Claim form found here: www.dayscholarsclaims.com

1. Who can submit the Estate Claim Form on behalf of a Deceased Day Scholar?

Only two kinds of people can apply for the \$10,000 Day Scholar Compensation Payment on behalf of a deceased Day Scholar who died on or after May 30, 2005:

- 1) The deceased Day Scholar's **legally appointed estate Executor/ Administrator/ Trustee/ Liquidator**; or
- 2) In cases where there is no legally appointed estate Executor/ Administrator/ Trustee/ Liquidator, **the highest priority living heir of the deceased Day Scholar**.

Only submit a claim if you are either the: 1) estate Executor/ Administrator/ Trustee/ Liquidator; or 2) the highest priority living heir AND there is no estate Executor/ Administrator/ Trustee/ Liquidator.

Before completing a claim form, ensure, using the information provided in this guide, that you are one of these two kinds of persons. Estate claims submitted by any other persons will be rejected by the Claims Administrator.

2. What is an estate Executor/ Administrator/ Trustee/ Liquidator?

An estate Executor/ Administrator/ Trustee/ Liquidator is a person who is responsible for taking care of a person's property and affairs (their "estate") after they have died. Responsibilities include distributing the deceased person's assets or property to the heirs, paying expenses and debts, and filing tax returns of the deceased person.

The name for the person who is legally responsible for administering the deceased person's estate is different depending on which province you are in, whether the person lived on or off reserve when they

died, and the legal process through which he or she was appointed to act. Sometimes they are called estate “Executor”, sometimes “Administrator”, sometimes “Trustee,” and sometimes “Liquidator”. Regardless of what they are called, the role is essentially the same.

3. How is an estate Executor/ Administrator/ Trustee/ Liquidator appointed?

In most cases, an estate Executor/ Administrator/ Trustee/ Liquidator is appointed through a will. They can also be appointed by a court. **In cases where an estate Executor/ Administrator/ Trustee/ Liquidator has been appointed, the Executor/ Administrator/ Trustee/ Liquidator must submit the claim on behalf of the Estate.**

Often, no one will have been appointed to manage a deceased person’s affairs, and there will not be an estate Executor/ Administrator/ Trustee/ Liquidator. **Only when an estate Executor/ Administrator/ Trustee/ Liquidator has not been appointed, can the highest priority living heir apply for compensation under this Settlement.**

There are different rules that apply depending on whether the person lived on reserve when they died, or if they lived off reserve when they died, and which province or territory they lived. See section 8 below for more information about the process of appointing an estate Executor/ Administrator/ Trustee/ Liquidator.

4. How do I know if there is a legally appointed Executor/ Administrator/ Trustee/ Liquidator of the deceased Day Scholar’s estate?

You will know if you are the Executor/ Administrator/ Trustee/ Liquidator of the deceased Day Scholar’s estate. You already will have been involved with administering that person’s estate when they died.

The best way to find out if there is an estate Executor/ Administrator/ Trustee/ Liquidator who is not you is to ask other family members or close friends about whether anyone has been officially appointed to manage the estate. In most cases the estate Executor/ Administrator/ Trustee/ Liquidator is appointed in a will, and often it will be a family member or a trusted friend.

If the person lived on reserve when they died, you can contact Estate Services at Indigenous Services Canada to see if anyone has been appointed as an Executor or Administrator of the Estate:

Phone: 1-800-567-9604 (Monday to Friday from 9am to 6 pm Eastern Time)

Email: aadnc.estates-successions.aandc@canada.ca

5. Who can apply for the Day Scholar Compensation Payment if there is not a legally appointed Executor/ Administrator/ Trustee/ Liquidator of the deceased Day Scholar’s estate?

If there is an estate Executor/ Administrator/ Trustee/ Liquidator, only that person can apply for the Day Scholar Compensation Payment on behalf of the deceased Day Scholar.

If no such person has been appointed, only the highest priority living heir can apply for the Day Scholar Compensation Payment on behalf of the deceased Day Scholar.

6. How do I determine who is the highest priority living heir?

The priority of heirs is determined by identifying the living heir with the highest priority in the list below. Simply go down the list and identify the first category of person who is currently alive – that person is the highest priority living heir of the deceased Day Scholar.

- 1) **Married spouse** – the living legally married husband or wife of the deceased Day Scholar;
- 2) **Common Law partner**: if no living husband or wife, then a living Common Law or *de facto* partner is the highest priority living heir;
- 3) **Children**: if no living husband or wife, or Common Law or *de facto* partner, then living children are the highest priority living heirs;
- 4) **Grandchildren**: if no living husband or wife, Common Law or *de facto* partner, or children, then living grandchildren are the highest priority living heirs;
- 5) **Parent**: if no living husband or wife, Common Law or *de facto* partner, children, or grandchildren, then living parents are the highest priority living heirs.
- 6) **Brother or Sister**: if no living husband or wife, Common Law or *de facto* partner, children, grandchildren, or parents, living brothers and/or sisters are the highest priority living heirs;
- 7) **Niece or nephew**: if no living husband or wife, Common Law or *de facto* partner, children, grandchildren, parents, or brothers and sisters, then living nieces and/or nephews are the highest priority living heirs.

The following are examples of how this applies:

Example 1: if the deceased Day Scholar is survived by a living spouse (legal husband or wife), as well as children, grandchildren, parents, and brothers and sisters, then the highest priority living heir is the Day Scholar's living spouse.

Example 2: if the deceased Day Scholar's spouse is deceased, but is survived by three children, grandchildren, and brothers and sisters, then the highest priority living heirs are the three children.

Example 3: if the deceased Day Scholar was unmarried, without a partner, has no children or grandchildren, has parents who also are deceased, and has two brothers who are alive and one sister who is deceased, then the highest priority living heirs are the Day Scholar's two living brothers.

7. What if there is more than one person who is the highest priority living heir?

It is possible that there will be more than one highest priority living heir. For example, if the deceased Day Scholar did not have a spouse or common law partner at the time of death, but had four living children, then all four children are the highest priority living heirs.

In cases where there is more than one highest priority living heir, all heirs of the same priority level must provide consent to allow only one of them to apply for the Day Scholar Compensation Payment on behalf of them all. A consent form is attached to the claim form for use in such circumstances.

Applications made in cases where there is more than one highest priority living heir can only be processed if all other equal priority living heirs complete and submit consent forms. **The person**

nominated to apply for the Day Scholar Compensation Payment is responsible for distributing it to the other equal priority living heirs once received. Each equal priority living heir should get an equal amount unless they all agree to get different amounts.

If the highest priority living heirs cannot agree on who should apply for the Day Scholar Compensation Payment, then they must take the necessary steps to have an estate Executor/ Administrator/ Trustee/ Liquidator appointed.

8. Claims filed by the highest priority living heirs will not be processed until after the end of the claims process on January 4, 2024

The Claims Administrator will delay processing all claims filed by the highest priority living heirs until January 4, 2024. This is to ensure that no claim forms regarding the same deceased Day Scholar have been filed by either: a) a legally valid estate Executor/ Administrator/ Trustee/ Liquidator; or b) a higher priority living heir.

If you want to have an Estate Claim processed before the January 4, 2024 date, you can take steps to be appointed as the Executor/ Administrator/ Trustee/ Liquidator of the estate of the deceased Day Scholar.

If a person lived on reserve when they died, Indigenous Services Canada (all provinces) or Crown-Indigenous Relations and Northern Affairs Canada (Yukon and Northwest Territories) is responsible for appointing an administrator or executor for the deceased's estate. For more information about how an estate Executor or Administrator is appointed under the *Indian Act*, or how to seek an appointment of an Executor or Administrator under the *Indian Act* please see: <https://www.sac-isc.gc.ca/eng/1100100032357/1581866877231>

If a person usually lived off reserve when they died, the estate will be administered in accordance with the laws of the province or territory where they usually lived. If you would like to seek the appointment of an estate Executor/ Administrator/ Trustee/ Liquidator you can take steps to have one appointed. We recommend that you speak to an estates lawyer in the province or territory where the deceased lived when they died.

You can find out more about the process of appointing an estate Executor/ Administrator/ Trustee/ Liquidator here:

- Alberta: [What to do when someone dies](#)
- British Columbia: [What to do when someone dies](#)
- Manitoba: [Dealing with death](#)
- New Brunswick: [Service New Brunswick Vital Statistics Unit](#)
- Newfoundland & Labrador: [Government Services Vital Statistics Division](#)
- Northwest Territories: [Registrar General of Vital Statistics](#)
- Nova Scotia: [Nova Scotia Vital Statistics](#)

- Nunavut: [Nunavut Vital Statistics](#)
- Ontario: [What to do when someone dies](#)
- Prince Edward Island: [Vital Statistics](#)
- Quebec: [What to do in the event of a death](#)
- Saskatchewan: [Dealing with death](#)
- Yukon: [Vital Statistics](#)

9. How can I find out if my deceased relative attended an Indian Residential School as a Day Scholar?

There is no single, easy answer for this. The following are some of the steps that may assist you:

- Gather as much information as you can about the community in which the deceased Day Scholar was raised.
- Ask family, and friends and members of the community who may have attended school at the same time as the deceased Day Scholar.
- Contact the provincial education department where the deceased Day Scholar grew up and ask for the deceased Day Scholar's school records. Often, when a person attended a provincial school, even for 1 year, the province records the entire school career, including attendance at an Indian Residential School.
- The National Centre for Truth and Reconciliation has an online inquiry process. <https://nctr.ca/> You may require a death certificate in order to request information.
- If, after taking all these steps, you still believe your relative attended an Indian Residential School as a Day Scholar but you are unable to find information on where they attended, you can contact the administrator or class counsel.

Questions to assist you in determining if you are eligible to submit a claim for a Day Scholar Compensation Payment on behalf of a deceased Day Scholar

- 1) Is the deceased person a Day Scholar (i.e. did they attend one of the Indian Residential Schools listed on List 1 or List 2 during the day only, and did not sleep there at night)?

IF YES: proceed to the next question;

IF NO: you are not eligible to apply.

- 2) Did the deceased Day Scholar die before May 30, 2005?

IF YES: you are not eligible to apply;

IF NO: proceed to the next question.

- 3) Has an estate Executor/ Administrator/ Trustee/ Liquidator been appointed?

- a. Is there a valid will that names an Executor/ Administrator/ Trustee/ Liquidator?
- b. Has an estate Executor/ Administrator/ Trustee/ Liquidator been appointed by a court?
- c. In the case of a Day Scholar who lived on reserve when they died, is there a Grant of Administration from a Court or Indigenous and Northern Affairs Canada, Crown-Indigenous Relations and Northern Affairs Canada or Indigenous Services Canada?

IF YES to any of a, b, or c: The estate Executor/ Administrator/ Trustee/ Liquidator is eligible to apply. If you are the estate Executor/ Administrator/ Trustee/ Liquidator, please complete and return the Estate Claim Form and accompanying documents, preferably online.

IF NO to all of a, b, and c: the highest priority living heir can apply.

- 4) Are you the highest priority living heir?

IF YES: proceed to the next question;

IF NO: you are not eligible to apply.

- 5) Is there more than one highest priority living heir? [See section 6. How do I determine who is the highest priority living heir?]

IF YES: proceed to the next question:

IF NO: You are eligible to apply. Please complete and return the Estate Claim Form, and accompanying documents, preferably online.

- 6) Do you have consent forms from all other equal priority living heirs who are also highest priority living heirs? [Consent form for equal priority living heirs appointing a person to make this claim on behalf of a deceased Day Scholar, p. 10]

If YES: You are eligible to apply. Please complete and return the Estate Claim Form, and accompanying documents, including the consent forms for equal priority living heirs, preferably online.

IF NO: you must collect a consent form from all equal priority living heirs who are also highest priority living heirs. If you are unable to collect consents from all equal priority living heirs, you are not eligible to apply. In this case, equal priority living heirs can take steps to have themselves or someone else appointed as an estate Executor/ Administrator/ Trustee/ Liquidator, who in turn can submit the claim.

Page	Section	Item	Instructions
1	Section A. 1.	Name	<p>Write Day Scholar's name as it appears on their estate documentation, or on proof of death document.</p> <p>Accepted estate documentation or proof of death documents are:</p> <ul style="list-style-type: none"> • Death Certificate • Funeral Director's Statement of Death • Burial Certificate • Legal documents appointing the claimant as an Executor/ Administrator/ Trustee/ Liquidator such as a Certificate of Appointment of Estate Trustee, Grant of Administration or other similar document
1	Section A. 4.	Death Certificate or other documentation	<p>Attach a photocopy or photograph of the deceased Day Scholar's death certificate.</p> <p>If you do not have a copy of the deceased Day Scholar's death certificate, you can submit other official documents which show the Day Scholar's date of death. Accepted documents include (please submit ONE):</p> <ul style="list-style-type: none"> • Death Certificate • Funeral Director's Statement of Death • Burial Certificate
3-6	Section C.	Identifying Indian Residential School attended by the Day Scholar	<p>There are two lists that identify all Indian Residential Schools that had or may have had Day Scholars: List 1 which identifies all Indian Residential Schools known to have had Day Scholars, and List 2 which identifies all Indian Residential Schools not known to have had Day Scholars. Schools are listed by province or territory. Lists 1 and 2 can be found in the Estate Claim Form.</p> <p>In order to be eligible for the settlement, the deceased Day Scholar must have attended at least one of the Indian Residential Schools on either List 1 or List 2 during the day only during the dates that the school in question operated as an Indian Residential School.</p> <p>Review List 1 and List 2 to identify the Indian Residential School attended by the Day Scholar, using the school names and locations. The "School" column lists the Indian Residential School's legal name, followed by other names that the school was sometimes known by in brackets.</p> <p>Review the school operating date to make sure the Day Scholar was a Day Scholar during the time that the school was operated as an Indian Residential School. The School Closing or Transfer Date is either the date on which the school closed, or in case of a Transfer Date, the date on which the school was converted from an Indian</p>

			<p>Residential School into an Indian Day School, a residence only or a provincial school. If the Day Scholar attended a school listed on List 1 or 2 on a date after the Transfer Date, the Day Scholar may be eligible to make a claim in another lawsuit, the McLean Federal Indian Day School Class Action Settlement: https://indiandayschools.com/en/</p> <p>For each Indian Residential School attended on List 1 and List 2, write down either a) the approximate years attended as a Day Scholar, OR b) the approximate age of attendance as a Day Scholar. Include both the start date (i.e. when they first started attending the Indian Residential School as a Day Scholar) and the end date (i.e. when they stopped attending the Indian Residential School as a Day Scholar).</p>
5	Section C.	Indian Residential School attended not on List 1 or List 2	<p>List 1 and 2 should include all Indian Residential Schools in Canada that could possibly have had Day Scholars. If you are sure the Day Scholar attended an Indian Residential School as a Day Scholar and after close review, you cannot find the Indian Residential School that the Day Scholar attended, write in the name of the Indian Residential School in the orange text box on the bottom of page 5, along with the school's location and years of attendance, or age of attendance. Complete the blue Statutory Declaration text box immediately below the orange text box.</p>
5	Section C.	Statutory Declaration – List 2 Schools	<p>If the Day Scholar attended an Indian Residential School on List 2, or if you wrote in the name of an Indian Residential School in the orange text box, you must complete the Statutory Declaration in the blue text box at the bottom of page 5, indicating where and with whom the Day Scholar lived while attending the Indian Residential School during the day only.</p> <p>A witness must watch you sign the Statutory Declaration.</p> <p>The witness who watches you sign the Statutory Declaration must hold one of the following positions:</p> <ul style="list-style-type: none"> • Border Service Officer • Certified Aboriginal Financial Manager • Certified/Registered Accountant • Commissioner of Oaths • Correctional Officer • Chief • Federal or Provincial Court Judge or Justice of the Peace • Government Councilor • Indian Registration Administrator • Indigenous/Aboriginal Liaison Officer • Inuit Community Leader • Lawyer • Licensed Medical Doctor/Physician

			<ul style="list-style-type: none"> • Northern Villages' Secretary Treasurer • Notary Public • Peace Officer • Pharmacist • Police Officer • Psychologist/Psychiatrist • Registered Clinical Counsellor • Registered Nurse • Registered Occupational Therapist • Registered Social Worker • Teacher (primary or secondary)
7	Section E. 18.	Evidence of relationship to Day Scholar	<p>Documentation that provides evidence of familial relationship includes:</p> <ul style="list-style-type: none"> • In case of marriage, a Record of Solemnization or Marriage Certificate; • In the case of a parent-child relationship, the birth certificate of the child; • In the case of a parent and legally adopted child, an Adoption Order or similar document. <p>DO NOT submit other documents such as family photographs, letters, or unofficial records. DO NOT send originals. A photocopy or photograph of the document is acceptable.</p> <p>For other kinds of familial relationships, or if the above documentation is not available, we recommend filling out the Statutory Declaration: Relationship to deceased Day Scholar included on page 9 of the Estate Claim Form.</p>
7	Section E. 19.	Claimant ID	<p>Provide a photocopy or photograph of valid identification card issued by a federal, provincial or territorial government containing your full name.</p> <p>Examples of acceptable government identification include:</p> <ul style="list-style-type: none"> • driver's license • certificate of Indian Status (Indian Status Card) • Canadian passport photo page
7	Section E. 20.	Highest priority living heir	<p>The priority of heirs is determined by identifying the living heir with the highest priority in the list below. Simply go down the list and identify the first category of person who is living – that person is the highest priority living heir.</p> <ol style="list-style-type: none"> 1) Married spouse – the living legally married husband or wife of the deceased Day Scholar;

			<ol style="list-style-type: none"> 2) Common Law partner: if no living husband or wife, then a living Common Law or <i>de facto</i> partner is the highest priority living heir; 3) Children: if no living husband or wife, or Common Law or <i>de facto partner</i>, then living children are the highest priority living heirs; 4) Grandchildren: if no living husband or wife, Common Law or <i>de facto</i> partner, or children, then living grandchildren are the highest priority living heirs; 5) Parent: if no living husband or wife, Common Law or <i>de facto</i> partner, children, or grandchildren, then living parents are the highest priority living heirs. 6) Brother or sister: if no living husband or wife, Common Law or <i>de facto</i> partner, children, grandchildren, or parents, living brothers and sisters are the highest priority living heirs; 7) Niece or nephew: if no living husband or wife, Common Law or <i>de facto</i> partner, children, grandchildren, parents, or brothers and sisters, then living nieces and nephews are the highest priority living heirs.
7	Section E. 21.	Highest priority living heir with other living heirs of equal priority	<p>In cases where there is more than one person who is the highest priority living heir (for example, if children of the deceased Day Scholar are the highest priority living heirs, and the Day Scholar has more than one child), those highest priority living heirs must appoint one of them to make the claim on behalf of a deceased Day Scholar.</p> <p>List all of the highest priority living heirs.</p> <p>Ensure that you have consent forms [page 10] from all other highest priority living heirs to appoint you as the person to make the claim on behalf of a deceased Day Scholar</p> <p>The person nominated to apply for the Day Scholar Compensation Payment is responsible for distributing it to the other equal priority living heirs once received. Each equal priority living heir should get an equal amount unless they all agree to get different amounts.</p>