

# Indian Day Schools

## Frequently Asked Questions (FAQ)

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## Introduction

All **documents** referenced in these questions can be found on the website of the Administrator as well as Class Counsel (see websites listed below).

If you have additional questions or require clarification after reading the information below, please contact:

**Claims Administrator, Deloitte LLP:** If you have questions regarding the administration of the Settlement, please call 1-888-221-2898, or visit [www.indiandayschoolsclaims.com](http://www.indiandayschoolsclaims.com)

**Class Counsel, Gowling WLG:** For legal advice or assistance with completing your Claim Form, at no cost, please call 1-844-539-3815, or visit [www.indiandayschools.com](http://www.indiandayschools.com)

**Hope for Wellness Help Line:** If you are experiencing emotional distress and want to talk, free counselling and crisis intervention services are available at: 1-855-242-3310, or online at [www.hopeforwellness.ca](http://www.hopeforwellness.ca)

## General Questions about the Settlement

### 1. What is a Class Proceeding or a Class Action?

In a class proceeding / class action, one or more people called “plaintiffs” sue on behalf of people who have similar claims. All of these people are called a “class” or “class members.” The courts resolve the issues for everyone affected, except for those who exclude themselves from the lawsuits. A class member becomes excluded from the class proceeding / class action by “opting out”.

### 2. What is the Federal Indian Day School class action/proceeding about?

The legal action, *McLean v Canada* (Court File No. T-2169-16), was brought to recover compensation for class members from Canada for harms suffered by students who attended a Federal Indian Day School or Federal Day School. Students of Federal Indian Day Schools or Federal Day Schools have reported suffering physical, sexual, and psychological abuse by teaching staff, officials, students and other third parties. In some cases, the abuse was severe. These abuses were in addition to the mocking, denigration and humiliation of students by reason of their Indigenous culture and language. Through *McLean v Canada*, the Plaintiffs have sought the recognition of and justice for the harms inflicted on former students of Day Schools and their family members.

The legal action was certified on consent as a class proceeding by Justice Phelan of the Federal Court on June 21, 2018. The case was started by Garry McLean, who passed away before a Settlement was reached. The Court has appointed Roger Augustine and Claudette Commanda as Representative Plaintiffs for the Survivor Class and Mariette Buckshot as

Representative Plaintiff for the Family Class. They may be contacted through Class Counsel.

### 3. The term “Indian” is outdated, not inclusive, and even offensive. Why use it?

Using this word was not an easy choice, because we recognize that it has negative connotations for many people. Federal “Indian Day Schools” were created under Canada’s “Indian Act,” which applied to First Nations, Inuit, and Métis peoples. The schools, and their name, reflect the dark reality of Canada’s history with Indigenous peoples. This settlement sheds important light on that history.

### 4. Why is there a Settlement?

The Federal Court has now approved a Canada-wide out-of-court settlement between Canada and Class Members in relation to Canada’s establishment, funding, control, and management of Federal Indian Day Schools and Federal Day Schools. Following the Settlement Approval Hearing held on May 13th to 15th, 2019 in Winnipeg, Manitoba, the Federal Court has determined that the settlement reached between Canada and the Class is fair, reasonable, and in the best interests of the Class as a whole.

As a result of reaching a settlement and having it approved by the Federal Court, the parties have avoided the uncertainty of the outcome of a trial, the potential delays in obtaining a final judgment and the likelihood of significant costs related to lawsuit of this size and complexity.

In addition to compensation to be received by individual Survivor Class Members, the approved settlement provides for benefits that would not be available under a judgment, such as the establishment of a \$200,000,000 (CDN) Legacy Fund to support commemoration projects, health and wellness projects, and language and culture initiatives.

### 5. What rights do I give up, if any, by being a part of this settlement?

The settlement is now approved. The Court’s approval of this Settlement is binding on all class members who did not opt out by November 18, 2019.

If you did NOT opt out of the Settlement, you will be unable to advance a lawsuit of your own relating to harms caused through Canada’s management and control of Day Schools. In other words, you have given up your right to bring an individual lawsuit against the Federal government for harms experienced as a result of attending a Federal Indian Day School or a Federal Day School.

If you did NOT opt out of the Settlement, you will be deemed to have “released” Canada from liability for all harms suffered by you at the Day School(s) you attended. In return however, and if eligible, you will receive compensation for the harms that you experienced

while attending a Federal Indian Day School or a Federal Day School, subject to meeting the requirements outlined in the Claim Form.

The Settlement Agreement provides a specific description of the Release. Please read the Settlement Agreement carefully and contact Class Counsel if you have any questions. The details of the Release are also available in the Order of the Federal Court approving the Settlement.

Finally, nothing in this Settlement requires you to give up your right to sue a province or religious institution for its involvement in its management or control of a Federal Indian Day School or Federal Day School.

## 6. Who is included in the Settlement?

Former Federal Indian Day School and Federal Day School students (“Survivor Class Members”) and their family members (“Family Class Members”) are included in this settlement.

To be eligible for compensation as a Survivor Class Member, the Claimant must have attended at least one of the identified Day Schools during the time that it was operated and/or controlled by Canada and must have suffered a recognized harm as a result of that school attendance. The identified Day Schools are listed on [Schedule K](#) to the Settlement Agreement, available on the Class Action website. Each eligible Survivor Class Member will be required to provide supporting material for his or her claim.

Survivor Class Members who passed away on or after July 31, 2007 may also be eligible to receive compensation. All payments will be made to the Estate (issued to: Estate of “Claimant Name”) and mailed to the Estate Executor.

Family Class Members will receive no direct compensation under the Settlement. Instead, a \$200,000,000 (CDN) Legacy Fund is being established to support projects for commemoration, wellness/healing, and the restoration and preservation of Indigenous languages and culture.

## 7. Why does the deceased date only go back as far as July 31, 2007?

This was not an arbitrary date that was chosen by the parties, but rather based upon the original filing date of 2009, and the application of the general 2-year limitation period. The Indian Day Schools class action was filed in 2009 so the cut-off date is July 31, 2007 for this case.

## 8. Who is eligible for the Settlement?

To be eligible for compensation, survivors must have attended one of the identified Day Schools listed on the List of Federal Day Schools ([Schedule K](#)) and experienced harm.

## 9. I attended an Indian Day School, but I'm not sure who ran it. Am I eligible?

Some Day Schools were run by entities other than the Federal government, for example by provincial governments. This settlement only applies to those who attended Federally-run and operated schools. To find out if your school was Federally-operated, please review the list of approved Day Schools ([Schedule K](#)) or contact Gowling WLG directly by calling the toll free phone number: 1 (844) 539-3815 or by visiting [www.IndianDaySchools.com](http://www.IndianDaySchools.com).

## 10. What if I am not sure if I am eligible or included in the Settlement?

If you are not sure whether you are included in the settlement, you may contact Class Counsel by calling the toll free phone number: 1 (844) 539-3815 or by visiting [www.IndianDaySchools.com](http://www.IndianDaySchools.com).

If you have you questions about the class action and administration process, you may contact the Administrator by calling the toll free phone number: 1 (888) 221-2898 or by visiting [www.IndianDaySchoolsClaims.com](http://www.IndianDaySchoolsClaims.com).

## 11. If I am eligible for compensation and did not opt-out of this settlement, can I still sue a provincial or religious institution?

Yes. Nothing in the settlement agreement prohibits you from bringing a suit against a province, religious institution, or any entity, other than the Federal Government, for harms you experienced at a school run by them.

## 12. What if I have already started my own legal proceeding against Canada for harms I suffered while attending a Federal Day School? Am I still eligible for compensation under the terms of this settlement?

If you have started your own legal proceeding against Canada relating to its funding, control, and management of Day Schools and you **did not discontinue** it on or before the opt out deadline, **November 18th, 2019**, you will be considered to have opted out of the settlement. You **will not be eligible** to apply for compensation under this class action.

## 13. Can I remove myself from the Settlement?

The Order of the Court will bind all of the Class Members who do not opt out of the proceeding (Federal Courts Rules, Rule 334.32(5)(f)).

If you are an Eligible Class Member, in order to remove yourself from the Settlement, you must have delivered a signed and dated Opt-Out Form before the end of the Opt Out period. The Opt Out Period is ninety (90) days after the Federal Court approves the Settlement Agreement.



**The opt-out period concluded on November 18, 2019 and is now closed.**

If you have previously commenced a legal proceeding against Canada relating to its funding, control, and management of a Federal Indian Day School and if **did not** discontinue your individual claim on or before **November 18, 2019**, you are deemed to have opted out of the settlement.

**14. What does the Settlement provide?**

The Settlement provides direct compensation to Survivor Class Members who experienced harm while they were a student at a listed Federal Indian Day School or Federal Day School during the relevant period (“Eligible Class Members”). The listed Day Schools are provided in [Schedule K](#) of the Settlement Agreement.

The Settlement Agreement also provides \$200,000,000 (CDN) to support commemoration projects, health and wellness projects, and language and culture initiatives. This compensation will be made available as proposal-based funding by the McLean Day Schools Settlement Corporation, which will distribute the money to existing organizations and initiatives.

Eligible Class Members will be required to apply to the Claims Administrator in order to receive compensation. Canada has agreed to pay compensation to Eligible Class Members in accordance with the severity of harms they suffered while attending a Day School listed on [Schedule K](#). The severity of harm is measured against a Harms Assessment Grid that contains five (5) levels of compensation. The level and associated compensation are the following:

Level 1	Level 2	Level 3	Level 4	Level 5
\$10,000	\$50,000	\$100,000	\$150,000	\$200,000

Under the Settlement, Eligible Class Members will receive a single payment associated with the most severe harm they suffered while attending a Federal Indian Day School or Federal Day School, regardless of the number of schools attended. Each level of harm contains validation requirements.

**15. Are there any fees or costs associated with participating in this settlement?**

No. There are no legal fees or costs associated with applying for compensation. To be eligible for compensation, you must have attended one of the identified Day Schools listed on [Schedule K](#), and experienced harm.

If you have questions, contact Class Counsel Gowling WLG, at no cost, by calling 1-844- 539-3815 or emailing [dayschools@gowlingwlq.com](mailto:dayschools@gowlingwlq.com).

## 16. Who are the lawyers for the Plaintiffs?

### A. Which Law Firm is acting as Class Counsel?

Gowling WLG (Canada) LLP was appointed as Class Counsel by Justice Phelan of the Federal Court on June 21, 2018.

Lead Class Counsel are Robert Winogron, Jeremy Bouchard and Mary M. Thomson of the law firm, Gowling WLG (Canada) LLP. Mr. Winogron and Mr. Bouchard have over 30 years of combined legal experience in the area of Aboriginal Law and Litigation. Ms. Thomson is a class action specialist and has more than 35 years of litigation experience. Gowling WLG (Canada) LLP is a national law firm, which is consistently recognized for its representative work on behalf of Indigenous organizations across Canada.

There is no charge to speak to Class Counsel.

You may contact Class Counsel:

Gowling WLG – Indian Day Schools Support Services	
Mail	Gowling WLG (Canada) LLP 160 Elgin Street; Suite 2600 Ottawa, ON, K1P 1C3
Email	dayschools@gowlingwlg.com
Phone	1 (844) 539-3815

### B. May I retain another lawyer (non- class Counsel) to assist with the submission of my claim?

Yes. Class members may retain Non-Class Counsel to represent them in the Claims Process. Class members will receive all communications related to their claim directly from the Administrator. Eligible class members who are due compensation will be paid directly by cheque (issued in the class member's name and mailed to the class member's home address), unless a person is under disability or issued to an estate.

Class members may not be charged fees by counsel unless they have prior court approval to do so. It is recommended that class members request, from their counsel, a copy of the court approval for such fees before paying any fees. Pursuant to R. 334.4 of the Federal Court Rules, no payments including those by indirect payment can be made to a solicitor from the proceeds recovered in a class proceeding without the approval of the Court. For Indian Day Schools, the judge for the matter has held that such approval must be sought by counsel after the relevant legal services have been provided.

## 17. How are the lawyers getting paid?

Canada has agreed to pay Class Counsel fees and disbursement directly. No portion of Class Counsel Fees will come from compensation paid to Survivor Class Members or to the Legacy Fund.

Class Counsel fees have been approved by the Federal Court in the amount of \$55,000,000 (CDN) plus applicable taxes.

The Court has also approved \$7,000,000 (CDN) to be paid by Canada to Class Counsel for legal services in support of Class Members during the Claims Process. All legal fees and disbursements including those of Class Counsel are subject to Court approval.

There is no charge to Class Members who receive assistance from Class Counsel during the Claims Process.

## 18. What is the Legacy Fund?

The settlement includes a \$200M Legacy Fund to support commemoration projects, health and wellness programs, “truth-telling” events and the restoration and preservation of Indigenous languages and culture (‘Legacy Projects’).

The money to support the Fund will be paid by Canada to the McLean Day Schools Settlement Corporation (“Corporation”). The Corporation will be established under the Canada Not-for-Profit Corporations Act to promote Legacy Projects. The Directors of the Corporation will manage and/or supervise the management of the activities and affairs of the Corporation that will receive, hold, invest, manage, and disburse the money allocated for the Legacy Fund. In carrying out their responsibilities to fund Legacy Projects, the Directors will give consideration to periodic recommendations and advice from the Day Schools Advisory Committee described in the Legacy Fund Distribution Plan (See [Schedule J](#) of the Final Settlement Agreement for more information).

## 19. How do I apply for the Legacy Fund?

Grants will be made from the McLean Day Schools Settlement Corporation in response to proposals made. There will be guidelines and procedures put in place for the selection of organizations that apply for these grants. If an organization is given a grant, it will be responsible for carrying out a Legacy Project in its community.

Once set up, the McLean Day Schools Settlement Corporation will develop and make available the guidelines and procedures for organizations to follow in applying for grants under the Legacy Fund.

## Compensation

### 20. What if I also attended a Residential School and received a Common Experience Payment from the Residential School settlement? Can I still apply for compensation?

Yes. As long as you attended an Eligible Federal Indian Day School at some point while it was operated and managed by the Government of Canada, and experienced harm, you would be eligible to apply for compensation under the settlement.

## 21. What if I objected to the terms of the settlement before the settlement was approved? Am I still eligible for compensation?

Yes. Even if you objected to the settlement you are still eligible for compensation. Objecting is not the same as opting out.

Opting out means choosing to remove yourself from the Class. Those who chose to opt out will receive no compensation under this settlement. They will however retain the right to bring their own action against Canada for harms suffered while in a Federal Indian Day School or a Federal Day School should they so wish. **The Opt Out period is now closed.**

If you have any questions, please call Class Counsel by calling 1 (844) 539-3815.

## 22. What does the settlement include in terms of compensation?

Eligible Class Members will receive a payment ranging from \$10,000 to \$200,000, reflecting the most severe harms they suffered while attending an Indian Day School. The number of schools attended or the length of time spent at the school does not impact the level of compensation.

The settlement recognizes that harm was experienced not only by individual people, but also by families and whole communities. That is why it also includes a \$200M Legacy Fund to support commemoration projects, health and wellness programs, as well as language and culture initiatives for Indigenous communities

## 23. How will compensation be distributed?

The Claims Administrator (Administrator) is responsible for distributing individual compensation to Survivor Class Members. Compensation will be distributed in the form of a cheque payable to the Claimant. For eligible Survivor Class Members who passed away on or after July 31, 2007, payments will be made to their Estate (issued to: Estate of "Claimant Name") and mailed to the Estate Executor.

## 24. Will my compensation be taxed or have an impact on insurance payments, pensions, social assistance, etc.?

### Social Benefits

The Settlement Agreement provides that there should not be an impact on benefits including social assistance, OAS, and CPP. (See 5.06 of Settlement Agreement).

The Government of Canada has committed to working with provincial and territorial governments, and federal departments to ensure that any payment that Claimants receive will not affect the amount, nature, or duration of any social benefits received. Similar efforts were successful with respect to the Indian Residential School Settlement payments and we will continue to raise this issue with Canada.

## Tax

Payments from this lawsuit are not taxable. Payments from the McLean Day School Class Action compensate for abuse and harms at Federal Day Schools. The Canada Revenue Agency ("CRA") makes it clear that litigation damages for personal injuries are not taxable income. Further, they will not impact social benefits.

## Old Age Security and its Supplement

There will be no impact. The Old Act Security Act defines income in accordance with the Income Tax Act. Litigation payments for personal injury, including psychological harm, are exempt from the Canadian Revenue Agency's definition of income.

The OAS pension is a monthly payment available to seniors aged 65 and older who meet the Canadian legal status and residence requirements. Low-income seniors are also eligible for the Guaranteed Income Supplement which is added to OAS. Neither will be impacted.

## Canada Pension Plan (CPP) (Pension)

There will be no impact. Eligibility for CPP is based on age and contribution to CPP by working in Canada. It is not based on present income levels but contributions over the beneficiaries' lifetime.

## 25. Who decides what level of compensation I am eligible for under the Settlement?

On the Claims Form, you are required to identify which level of compensation you are claiming (Levels 1 or 2 or 3 or 4 or 5).

If you are an Eligible Class Member and have not previously been compensated for your attendance at a Federal Indian Day School or Federal Day School, the Claims Administrator will assess your Claim and approve a level of compensation in accordance with the Harms Assessment Grid.

If the Claims Administrator approves your claim for a lower level of compensation and you believe you are entitled to receive a higher level of compensation under the Harms Assessment Grid, you have the option to provide further information and to have your claim reconsidered. You will then be notified of the Claims Administrator's reconsideration.

If the Claims Administrator confirms its initial assessment of a lower level of compensation, you will have the option of having your claim reviewed by a Third-Party Assessor. The decision of the Third-Party Assessor is final.

In unique and specific situations, the Third-Party Assessor may refer a Claim to the Exceptions Committee for consideration. In these situations, the Exceptions Committee will make the final determination of your Claim.

## 26. Can I sign a Claims Form for a family member who is applying for compensation?

To sign the Claims Form for another person, you must be appointed as their Personal Representative. A Personal Representative is appointed by a Court to manage or make reasonable judgements or decisions in respect of the affairs of the person under disability.

If you are acting as a Personal Representative, you must attach documentation to verify your eligibility to act on the Claimant's behalf, including evidence that you have Power of Attorney over the Claimant's finances.

See Part 7 of Claim Form for more details or contact Class Counsel or the Administrator.

## 27. What if I am not satisfied with or disagree with the level of compensation awarded?

If you are an Eligible Class Member and have not previously been compensated for your attendance at a Federal Indian Day School or Federal Day School, the Claims Administrator will assess your Claim and approve a level of compensation in accordance with the Harms Assessment Grid.

If the Claims Administrator approves your claim for a lower level of compensation than the level you believe you are entitled to receive under the Harms Assessment Grid (and the Level you claimed when submitting your Claim Form), you have the option to provide further information and to have your claim re-assessed in light of that further information. You will then be notified of the Claims Administrator's re-assessment.

If the Claims Administrator confirms its initial assessment, you will have the option of having your claim reviewed by a Third Party Assessor.

The decision of the Third Party Assessor is final. If the Third Party Assessor is unable to make a decision, the Third-Party Assessor will refer your Claim to the Exceptions Committee for consideration. In these situations, the Exceptions Committee will make the final determination of your Claim.

More information on this process can be found in [Schedule B](#) of the Settlement Agreement.

## 28. When will I receive my payment?

To receive compensation under the approved Settlement, Class Members are required to submit a completed Claim Form to the Claims Administrator.

The [Claim Form](#) is available on the websites of the Claims Administrator and Class Counsel. Compensation will be issued after the Administrator has reviewed the claim and all supporting documents in accordance with the Claims Process outlined in the Settlement Agreement.

Eligible Class Members will receive compensation after their Claim Form has been:

- (1) reviewed and approved by the Claims Administrator; and
- (2) for level 2-5 claims only, the Government Canada has reviewed for eligibility (60 to 90 days).

If the Claims Administrator requires additional information to review a claim, the time required to review and approve the Claim Form may increase. Sending a complete Claim Form and all required documents to the Administrator helps to reduce the chance of delays during review.

## 29. How do I make a claim for compensation?

Eligible Class Members are able to apply for compensation starting on Implementation Date. An Estate Executor may submit a Claim Form for a deceased Class Member who passed away (after July 31, 2007) but before they submitted a Claim Form on their own behalf.

To receive compensation under the approved Settlement, Class Members are required to submit a completed Claim Form to the Claims Administrator.

Class Counsel is available to assist with the completion of each Claimant's form however a Claim Form must be signed and submitted by the class member, either directly to the Claims Administrator or by Class Counsel on request.

Class Members will have two and a half (2.5) years from Implementation Date to complete and submit the Claim Form to the Administrator.

The Claim Form is available on the website of [Class Counsel](#) and [Administrator](#) or by calling the Claims Administrator at 1-888-221-2898.

The Claims Administrator will review each Claims Form to make one of three determinations: (1) approve the claim; (2) deny the claim; or (3) request additional information.

If your Claim is approved, you will receive compensation based on the Harms Assessment Grid attached to the Settlement Agreement and available on the websites of [Class Counsel](#) and [Administrator](#). The compensation will be paid directly either to you, your court-appointed representative, or, in the event of your death, your estate trustee.

## 30. What if my claim for compensation gets denied?

The Claims Administrator will notify you if your claim is denied.

Your Claim will be denied if (i) you are not an Eligible Class Member; (ii) you have already been compensated, in another proceeding, for your attendance at a Federal Indian Day School or Federal Day School; or (iii) you removed yourself from this Settlement by submitting an Opt Out Form.

### 31. Are family members eligible to receive compensation on behalf of a deceased family member who attended a Federal Indian Day School or a Federal Day School?

No. Family members are not eligible to receive direct compensation.

However, the estate of a late Class Member who died on or after July 31, 2007 can make a claim on behalf of the deceased. If the deceased was or could have been registered under the Indian Act, has no will or executor, then a representative will need to be appointed. This process will depend on whether the deceased ordinarily resided on reserve or not.

#### **Deceased lived on reserve**

To start this process, you will need a copy of the Death Certificate. If the deceased claimant was or could have been registered under the Indian Act and lived on reserve prior to passing away, we recommend you call the Regional Office in your area to be appointed as the Estate Administrator.

Regional Office Numbers – only for deceased who was or could have been registered under the Indian Act who lived on reserve:

Atlantic Region	1-800-567-9604 OR 1-902-661-6200
Quebec	1-800-567-9604 OR 1-800-263-5592
Ontario	1-416-973-6234
Manitoba	1-800-567-9604
Saskatchewan	1-306-780-5392
Alberta	1-780-495-2773
British Columbia	1-604-775-7114 OR 1-604-775-5100
Northwest Territories	1-867-669-2500
Yukon	1-867-667-3888
Nunavut	1-867-975-4500

INAC Public Enquiries Contact Centre – This is a resource for estates of individuals who lived on reserve.

Email: [aadnc.infopubs.aandc@canada.ca](mailto:aadnc.infopubs.aandc@canada.ca)

Phone (toll-free): 1-800-567-9604

Representatives of estates should begin the estate administration process as soon as possible. The deadline to submit a Claim Form is July 13, 2022. If a Survivor passed away between July 31, 2007 and today, the estate of that person can make a claim on their behalf.

If you have questions, please call Class Counsel, Gowling WLG: 1-844-539-3815. Please note that Class Counsel does not provide estate litigation advice to Class Members.

#### **Deceased lived off reserve**

If the deceased claimant lived off-reserve, or lived on-reserve but unable to be registered under the Indian Act, the representative will need to be appointed as an executor or administrator. It may be that the local Public Trustee Office is already



administering the deceased's estate. You may wish to contact them before taking further steps. The appointment of an executor or administrator is a process governed by your local jurisdiction (i.e. provincial or territorial courts). You will need to start the appointment process with the court to become the estate executor or administrator.

Please note that Class Counsel, Gowling WLG does not handle estate disputes or estate litigation. Independent legal advice is recommended prior to taking steps to start a court process for the executor or administrator appointment.

## Claims Process

### 32. What is the Implementation Date?

The Implementation Date is the date on which the Claims Process in the Settlement Agreement goes into effect. This date is defined in the Settlement Agreement as 30 days after the Opt Out Deadline (November 18, 2019) and subject to the final determination of any appeals of the Settlement Approval Order.

Eligible Claimants will receive compensation after the Implementation Date.

The Implementation Date is now confirmed to be **January 13, 2020**.

### 33. Will the Claims Process be complicated or difficult?

The claims process is designed to be simple and easy for people to use. It will avoid re-traumatizing survivors. Survivors will not be cross-examined or put on the stand and questioned about their stories. The basic Claim Form is fairly short. Additional information and documents are required to support claims for higher levels of compensation, but those who cannot obtain documents can provide a Sworn Declaration (Part 6), which is included on the Claims Form.

Class Members can receive assistance with completing their Claim Form, at no cost to them, by calling the Gowling WLG call center at 1-844-539-3815.

### 34. What assistance will be provided to support me or my community in the Claims Process?

#### **Assistance with Claim Form**

Class Members can receive assistance with completing their Claim Forms at no cost to them by calling the Gowling WLG call center at 1-844-539-3815.

#### **Community Visits / Information Sessions**

Class Counsel, Gowling WLG hosts presentations across Canada to share information and answer questions about the Indian Day Schools Class Action.

A list of information sessions can be found by visiting the following website <https://indiandayschools.com/en/contact/presentations/> or by calling Class Counsel, Gowling WLG, at 1-844-539-3815.

## **Mental Health Counselling and Crisis Support**

Mental health counselling and crisis support is available to Class Members 24 hours a day, 7 days a week through Hope for Wellness Hotline. Contact Hope for Wellness at 1-855-242-3310 or through their online chat at [www.hopeforwellness.ca](http://www.hopeforwellness.ca). Counselling is available in English, French, Cree, Ojibway and Inuktitut, on request.

### **35. When does the claims period start and how long do I have to submit my claim?**

The claims period starts on the Implementation Date, which is **January 13, 2020**. You have two years and six months to submit your claim form to the Claims Administrator.

### **36. When does the claims period end?**

The claims period ends on **July 13, 2022**, which is two years and six months from the Implementation Date.

### **37. How / where can I find a Claim Form?**

[Claim forms](#) are available on the Administrator's website as well as on Class Counsel website: [www.indiandayschoolsclaims.com](http://www.indiandayschoolsclaims.com) or [www.indiandayschools.com](http://www.indiandayschools.com)

If you do not have access to the internet, you can request a copy to be mailed to your address by calling the Administrator at 1-888-221-2898.

### **38. Can I get help completing my claim?**

Class Members can receive help filling out their Claims Forms at no cost to them by calling the Class Counsel - Gowling WLG call center at 1-844-539-3815.

### **39. What if I have questions about the Claim Form?**

If you have questions about the Claim Form itself, please refer to the "Claim Form" section of this document for additional details, or contact the Administrator at 1-888-221-2898.

### **40. How do I submit my claim?**

You may submit your claim by completing the Claim Form and attaching all required documents, and sending it to the Claims Administrator.

You can email **or** fax **or** mail your Claim Form and documents to:

Email: [indiandayschools@deloitte.ca](mailto:indiandayschools@deloitte.ca)

Fax: 416-366-1102

Mail: Indian Day Schools Class Action Claims Administrator,  
c/o Deloitte. PO Box 1775,  
Toronto, ON, M5C 0A2, Canada

#### 41. What are my mailing options when sending to Post Office (PO) Box?

The mailing address includes a Post Office Box number – PO Box. The PO box will accept claims submitted using Canada Post: Registered Mail or regular mail. All mailing options through Canada Post are accepted for letters or packages.

If you have any questions about mailing your Claim Form, please contact the Administrator by calling 1-888-221-2898.

#### 42. Can I send more information after I submit my claim?

If you have forgotten to include relevant information required to complete your claim submission, such as signatures or ID, please contact the Administrator at 1-888-221-2898 to let us know and we will instruct you on how to submit the information and provide you with your claim number.

If you already know your claim number, you should include it when sending such documents or information to the Administrator. It is also important to notify the Administrator if you are sending such documents or information to the Administrator, by calling 1-888-221-2898.

It is always best to send your Claim Form only once you are sure that you have all the required documents to avoid any delays in the processing of your claim. Class members cannot re-submit and/or modify a level selection or narrative once the claim has been submitted to the Claims Administrator.

#### 43. How can I find out the status of my claim?

To find out the status of your claim, please contact the Administrator Call Centre by calling 1-888-221-2898.

You will be asked to confirm your identity and provide a Claim number (if you have one). Please note, it takes up to three weeks from the date when you send your application until a status update is available through the Call Centre. If it has not yet been three weeks, please consider calling back after the time has passed.

## Claim Form

### 44. What section of the Claim Form do I need to complete?

You must complete all sections of the Claim Form to the best of your ability. Some sections, however, are not required, depending on what Level you choose. The Claim Form has seven (7) Parts.

If you are claiming Level 1:

- you must complete: Part 1, Part 2, Part 3, Part 4
- you must complete Part 6 only if you are not able to provide a photocopy of a government issued piece of identification
- you must complete Part 7 only if you are a Representative applying on behalf of a Claimant

If you are claiming Level 2 or Level 3 or Level 4 or Level 5:

- you must complete: Part 1, Part 2, Part 3, Part 5
- you must complete Part 6 only if you are not able to provide a photocopy of government issued piece of identification or if you do not have the required documents listed for your level on page 8 of the Claim Form.
- you must complete Part 7 only if you are a Representative applying on behalf of a Claimant

If you have any questions, please call the Administrator Call Centre at 1-888-221-2898.

### 45. I don't have a Social Insurance Number (SIN). Is this required?

If you do not have a social insurance number (SIN), you may leave this field blank on the Claim Form.

Please ensure you include a photocopy of a government issued piece of identification or complete Part 6 of the Claim Form - Sworn Declaration.

### 46. What if I don't have an Indian Status Card number or a Beneficiary number?

**Indian Status Card (Registration) Number:** If you are a Status Indian, and would like to find out your registration number, you may contact the INAC/CIRNAC Public Enquiries Contact Centre (PECC), where you will be asked a series of questions to validate your identity.

The INAC/CIRNAC Public Enquiries Contact Centre can be reached at:

- Phone: (toll-free) 1-800-567-9604
- TTY: (toll-free) 1-866-553-0554

Also, you may be able to retrieve your registration number from your First Nation band's Indian Registration Administrator (IRA). Please contact your First Nation band office for more information.

**Beneficiary Number:** If you are Inuit, and do not know your beneficiary number, you can contact the relevant Office of Enrolment, Registrar of Beneficiaries or Enrolment and/or Memberships Clerks.

Makivik Corporations (Nunavik):

Nunavik Enrolment Office; P.O. Box 179; Kuujjuaq, Qc J0M 1C0  
Telephone: (819) 964-2925 Fax: (819) 964-0458

Inuvialuit Regional Corporation:

Attn: Enrolment. Bag Service #21; Inuvik, NT X0E 0T0  
Tel: (867) 777-7000; Toll-Free: 1 (855) 777-7011; Fax: (877) 289-2389

Nunavut Tunngavik Incorporated:

Attn: Enrolment Administrator; Department of Human Resources  
P.O. Box 280 Rankin Inlet, NU X0C 0G0  
Tel: (867) 645-5400; Fax: (867) 645-3451; Toll Free: 1-888-236-5400  
Website: [www.tunngavik.com](http://www.tunngavik.com)

Nunatsiavut Government:

Registrar of Beneficiaries - Sheila Angnatok  
Email: [sheila.angnatok@nunatsiavut.com](mailto:sheila.angnatok@nunatsiavut.com); Phone: (709) 922-2942 ext. 271

Membership Clerk - Pauline Angnatok

Email: [pauline.angnatok@nunatsiavut.com](mailto:pauline.angnatok@nunatsiavut.com); Phone: (709) 922-2942 ext. 251

If you are not able to obtain your Indian Status Card number, or Beneficiary number, you may submit the Claim Form anyway, however, make sure you include a photocopy of a government issued piece of identification, or complete Part 6: Sworn Declaration.

#### 47. What is an acceptable government issued identification (ID) for my claim?

A photocopy (front and back) of any one piece of your current (non-expired) government issued identification (ID) (e.g. issued by a Federal, Provincial or Territorial government) must be submitted as part of your claims package.

Acceptable ID: one of the following cards issued by the Federal or Provincial/territorial governments to you:

- Social Insurance Card
- Driver's license Card
- Provincial/Territory Photo Card
- Passport
- Birth Certificate
- Old Age Security (OAS) Identification Card
- Firearms Possession and Acquisition License (PAL)

- Official Military ID
- Nexus Card
- Bring Your ID (BYID) Card (age of majority card)
- Permanent Resident Card
- U.S. State ID
- Certificate of Canadian Citizenship
- Indian Status Card:
  - Certificate of Indian Status (CIS), or
  - Secure Certificate of Indian Status (SCIS).
- Land Claim Beneficiary Card (Inuit)

Not acceptable ID:

- Any expired card (not valid at time of claims submission)
- Any cards issued by the city/municipality/region (e.g. Library Card) or other organization are not eligible Federal or Provincial/Territorial government-issued ID
- Membership Cards
  - Some organizations issue membership cards that identify the cardholder as a member of a First Nation or Indigenous organization. These membership cards are not issued by the federal government and/or do not identify the cardholder as a registered under the *Indian Act*.

#### 48. What if I don't have any government-issued identification?

If you do not have any government-issued identification, you must complete Part 6 of the Claim Form. Part 6 is a Sworn Declaration where you declare that the information you provided in the Claim Form is true to the best of your knowledge. This statement must be witnessed and signed by a Guarantor who must also complete all the personal details included in Part 6 of the Claim Form.

If you have any questions, please call the Administrator Call Centre at 1-888-221-2898.

#### 49. I don't have a home phone and / or mobile phone number and / or email address. Is this required?

No. If you do not have a phone number or an email address, you may leave these fields blank.

If you do have a phone number and / or an email address where you can be reached, please include it on your Claim Form because it may help during the processing of your claim, in case there are any issues with reaching you by mail.

#### 50. What is an "Indian Day School"?

Federal Indian Day Schools and Federal Day Schools include all those schools established or designated as such by the Federal Departments of Indian Affairs and Northern Affairs and National Resources in which Indigenous students across Canada were required to

attend by law (the Indian Act, Orders in Council, Territorial Ordinances and other legislation), and were funded in part or solely by the Government of Canada.

Unlike Indian Residential Schools, students did not reside at Day Schools. Only in very limited circumstances (seasonal weather conditions etc.) would a student reside at a Day School.

### 51. What if I don't remember the name of the Day School I attended?

If you do not remember the School you attended, please review [Schedule K](#) of the Agreement, which may help you remember. If you remember the location of the school (Province or Territory or Community), this could help you recognize the name of the School. We also encourage you to speak to any family members, old classmates, or community workers who may know this information.

### 52. What if I don't remember the location of the Day School I attended?

Please review [Schedule K](#) of the Agreement, which lists all the Eligible Schools, including the location of the School. If you find your School on the list, it should have the location.

### 53. What if I don't see the school I attended on the list of eligible schools?

The list of eligible schools is now final. If you attended a school on this list, and experienced harm while attending the school, you are eligible to make a claim for compensation. The current list of schools can be found on [Schedule K](#).

### 54. Do you have a list of which Day School(s) I attended?

No. The Administrator and Class Counsel do not have a list of the Federal Indian Day School(s) or Federal Day School(s) that you attended. If you are unsure about which school(s) you attended, we encourage you to speak to any family members, old classmates, or community workers who may know that information. You may also review [Schedule K](#) which lists all the Eligible Schools, and may help you recognize the name of the School.

### 55. How can I differentiate a Federal and a Provincial Day school?

A list of Federal Indian Day Schools and Federal Day Schools can be found on [Schedule K](#).

If your school is not on the list, it is likely a Provincial Day School or another type of institution.

## 56. I don't remember the years and / or how old I was when I attended the School

In order to be eligible for compensation under the Settlement Agreement, the class member must have attended an Eligible Day School, during a time when it was funded, managed, and controlled by the Federal Government of Canada. This is why it is important to try and remember the time when you attended the school. It does not have to be an exact date – you can provide just the year or how old you were when you attended.

## 57. I went to more than one School

If you attended more than one school, please list each separately on the Claim Form. The Claim Form has space for information related to two (2) schools. If you attended more than two schools, please list the same details requested on the Claim Form, but on a separate piece of paper and attach to your Claim Form.

## 58. I don't understand what is meant by other / prior settlements and I don't know if it applies to me

Prior settlements or other settlements mean a different individual or class action that was brought against Canada, for the same abuse and harm at a Federal Indian Day School(s) or Federal Day School(s) as you are describing in this Claim Form.

You must have either received money from Canada and/or released Canada for abuses suffered at a Federal Indian Day School through the previous individual settlement.

**Important:** this does not include Indian Residential School payments.

If you are unsure, please contact Class Counsel – Gowling WLG by calling 1-844-539-3815 or emailing [dayschools@gowlingwlg.com](mailto:dayschools@gowlingwlg.com).

## 59. Why do I need a witness? What if I don't want anyone to see what I have in my claim?

In order for the Claim Form to be complete and eligible, the Claimant's signature must be witnessed by someone who is not the Claimant.

You do not have to show the witness what you have included in the Claim Form. The witness must only see the Claimant sign this page. They are not required to read the Claim Form or to verify the accuracy of the events described in the Claim Form. You can separate the witness page 5 from the rest of the claim, sign in front of the witness and have the witness sign, date and complete contact details on the page. Afterwards, put the completed page back in the Claim Form and send to the Administrator along with all other required information and documents.



## 60. Who can I list on my claim as the witness?

A witness can be any adult you know – family, friend, co-worker, doctor or any other individual who knows you.

## 61. Do I need to include all the details for the witness or can the person just sign?

The entire section must be completed by the witness – their full name (first and last), address, and contact details. The section must also be signed, and dated.

## 62. How do I know what level to select?

It is up to you to select a level to claim. Please review the details, descriptions and instructions included on all pages that describe the different levels and the information requested for each level. This can be found in Part 4 (page 6) and Part 5 (page 7 – page 11). Before you decide on a level, it is important to read through all these sections and think about your personal experience. This will help you decide what is the appropriate level for you. **Class members cannot re-submit and/or modify a level selection once the claim has been submitted to the Claims Administrator.**

Please remember, you must only select **one** level that best describes the experience you had while attending the Indian Day School. If you submit a claim form **without a level clearly selected**, this will cause **delays in processing** of your claim, because your claim will be considered **incomplete** and the Administrator will send you a letter asking for your level.

If at any time, you feel you are experiencing emotional distress and want to talk to someone, you can call the Hope for Wellness Hotline at 1-855-242-3310. There will be someone there to listen and provide counselling.

If you have any questions about how to fill out the form, including how to select the appropriate Level, you can contact your Class Counsel at [dayschools@gowlingwlq.com](mailto:dayschools@gowlingwlq.com) or 1-844-539-3815. They are there to answer your questions at no cost to you and to help you make sure you fill out all your Claim Form properly so you can receive your share of the settlement.

You can also contact the Claims Administrator Call Centre at 1-888-221-2898 where the agents will be able to explain what each section means and what documentation is required depending on the Level you select.

## 63. What is required if I am claiming Level 1?

First, please make sure that you have read the description and requirements for all Levels (see pages 6 – 11 of the Claim Form).

If you believe that **Level 1 represents the most serious harm or abuse you experienced** while attending the Indian Day School(s), please **add a mark** such as ✓ or ✗ in the Level 1 box on page 6.

### **This tells the Administrator that you chose Level 1.**

- Parts 1, 2 and 3 of the Claim Form must be completed by all Claimants – this is **required** for Level 1 (complete pages 3, 4, 5).
- Part 4 is **required** for Level 1 (place a mark in the box on page 6).
- Part 5 is **not required** for Level 1 (skip page 7 to page 11 of the Claim Form).
- Part 6 (Sworn Declaration) is on page 12 of the Claim Form. You only need to complete Part 6 if you do not have a piece of government issued identification. If you have a piece of government issued identification, make a photocopy and make sure to include this with your Claim Form when sending to the Claims Administrator.
- Part 7 (Representative) is only required if you are applying as a representative on behalf of a Claimant. If you are a representative, you must complete page 13 and include relevant documents. If you are not a representative, you can leave this page blank.
- Page 14 asks what you would like the Administrator to do with your Claim Form and all supporting documents – you have three choices.
- Page 15 provides information on how to submit your Claim Form.

Before sending your claim package to the Administrator, remember to **include a photocopy of a government issued piece of identification** or make sure Part 6 is completed.

### 64. What is required if I am claiming Level 2?

First, please make sure that you have read the description and requirements for all Levels (see pages 6 – 11 of the Claim Form).

If you believe that **Level 2 represents the most serious harm or abuse you experienced** while attending the Indian Day School(s), please **add a mark** such as ✓ or ✗ in the Level 2 box on page 7.

### **This tells the Administrator that you chose Level 2.**

- Parts 1, 2 and 3 of the Claim Form must be completed by all Claimants – this is **required** for Level 2 (complete pages 3, 4, 5).
- Part 4 is **not required** for Level 2 (skip page 6).
- Part 5 – some sections are **required** for Level 2
  - make sure you place a mark in the Level 2 box on page 7
  - review the supporting documents for each level on page 8
  - Part 5A Narrative on page 9 is **required** for Level 2
  - Part 5B List of Positions / Person(s) on page 10 is **not required** for Level 2, but can be provided if available
  - Part 5C Evidence of Attendance on page 10 is **required** for Level 2, or can be replaced with Part 6 Sworn Declaration

- Part 5D Other Narratives or Records on page 11 is **not required** for Level 2, but can be provided if available
  - Part 5E Medical Records on page 11 is **not required** for Level 2, but can be provided if available
- Part 6 (Sworn Declaration) is on page 12 of the Claim Form. You only need to complete Part 6 if you do not have a piece of government issued identification and/or if you are not able to provide Part 5C Evidence of Attendance.
  - Part 7 (Representative) is only required if you are applying as a representative on behalf of a Claimant. If you are a representative, you must complete page 13 and include relevant documents. If you are not a representative, you can leave this page blank.
  - Page 14 asks what you would like the Administrator to do with your Claim Form and all supporting documents – you have three choices.
  - Page 15 provides information on how to submit your Claim Form.

Before sending your claim package to the Administrator, remember to **include a photocopy of a government issued piece of identification** or make sure Part 6 is completed.

## 65. What is required if I am claiming Level 3?

First, please make sure that you have read the description and requirements for all Levels (see pages 6 – 11 of the Claim Form).

If you believe that **Level 3 represents the most serious harm or abuse you experienced** while attending the Indian Day School(s), please **add a mark** such as ✓ or ✗ in the Level 3 box on page 7.

### **This tells the Administrator that you chose Level 3.**

- Parts 1, 2 and 3 of the Claim Form must be completed by all Claimants – this is **required** for Level 3 (complete pages 3, 4, 5).
- Part 4 is **not required** for Level 3 (skip page 6).
- Part 5 – some sections are **required** for Level 3
  - make sure you place a mark in the Level 3 box on page 7
  - review the supporting documents for each level on page 8
  - Part 5A Narrative on page 9 is **required** for Level 3
  - Part 5B List of Positions / Person(s) on page 10 is **not required** for Level 3, but can be provided if available
  - Part 5C Evidence of Attendance on page 10 is **required** for Level 3, or can be replaced with Part 6 Sworn Declaration
  - Part 5D Other Narratives or Records on page 11 is **not required** for Level 3, but can be provided if available
  - Part 5E Medical Records on page 11 is **not required** for Level 3, but can be provided if available

- Part 6 (Sworn Declaration) is on page 12 of the Claim Form. You only need to complete Part 6 if you do not have a piece of government issued identification and/or if you are not able to provide Part 5C Evidence of Attendance.
- Part 7 (Representative) is only required if you are applying as a representative on behalf of a Claimant. If you are a representative, you must complete page 13 and include relevant documents. If you are not a representative, you can leave this page blank.
- Page 14 asks what you would like the Administrator to do with your Claim Form and all supporting documents – you have three choices.
- Page 15 provides information on how to submit your Claim Form.

Before sending your claim package to the Administrator, remember to **include a photocopy of a government issued piece of identification** or make sure Part 6 is completed.

## 66. What is required if I am claiming Level 4?

First, please make sure that you have read the description and requirements for all Levels (see pages 6 – 11 of the Claim Form).

If you believe that **Level 4 represents the most serious harm or abuse you experienced** while attending the Indian Day School(s), please **add a mark** such as ✓ or ✕ in the Level 4 box on page 7.

### **This tells the Administrator that you chose Level 4.**

- Parts 1, 2 and 3 of the Claim Form must be completed by all Claimants – this is **required** for Level 4 (complete pages 3, 4, 5).
- Part 4 is **not required** for Level 4 (skip page 6).
- Part 5 – **all** sections are **required** for Level 4
  - make sure you place a mark in the Level 4 box on page 7
  - review the supporting documents for each level on page 8
  - Part 5A Narrative on page 9 is **required** for Level 4
  - Part 5B List of Positions / Person(s) on page 10 is **required** for Level 4
  - Part 5C Evidence of Attendance on page 10 is **required** for Level 4, or can be replaced with Part 6 Sworn Declaration
  - Part 5D Other Narratives or Records on page 11 is **required** for Level 4, or can be replaced with Part 6 Sworn Declaration
  - Part 5E Medical Records on page 11 is **required** for Level 4, or can be replaced with Part 6 Sworn Declaration

- Part 6 (Sworn Declaration) is on page 12 of the Claim Form. You only need to complete Part 6 if you do not have a piece of government issued identification and/or if you are not able to provide Part 5C, or Part 5D or Part 5E.
- Part 7 (Representative) is only required if you are applying as a representative on behalf of a Claimant. If you are a representative, you must complete page 13 and include relevant documents. If you are not a representative, you can leave this page blank.
- Page 14 asks what you would like the Administrator to do with your Claim Form and all supporting documents – you have three choices.
- Page 15 provides information on how to submit your Claim Form.

Before sending your claim package to the Administrator, remember to **include a photocopy of a government issued piece of identification** or make sure Part 6 is completed.

## 67. What is required if I am claiming Level 5?

First, please make sure that you have read the description and requirements for all Levels (see pages 6 – 11 of the Claim Form).

If you believe that **Level 5 represents the most serious harm or abuse you experienced** while attending the Indian Day School(s), please **add a mark** such as ✓ or ✕ in the Level 5 box on page 7.

### **This tells the Administrator that you chose Level 5.**

- Parts 1, 2 and 3 of the Claim Form must be completed by all Claimants – this is **required** for Level 5 (complete pages 3, 4, 5)
- Part 4 is **not required** for Level 5 (skip page 6).
- Part 5 – **all** sections are **required** for Level 5
  - make sure you place a mark in the Level 5 box on page 7
  - review the supporting documents for each level on page 8
  - Part 5A Narrative on page 9 is **required** for Level 5
  - Part 5B List of Positions / Person(s) on page 10 is **required** for Level 5
  - Part 5C Evidence of Attendance on page 10 is **required** for Level 5, or can be replaced with Part 6 Sworn Declaration
  - Part 5D Other Narratives or Records on page 11 is **required** for Level 5, or can be replaced with Part 6 Sworn Declaration
  - Part 5E Medical Records on page 11 is **required** for Level 5, or can be replaced with Part 6 Sworn Declaration
- Part 6 (Sworn Declaration) is on page 12 of the Claim Form. You only need to complete Part 6 if you do not have a piece of government issued identification and/or if you are not able to provide Part 5C, or Part 5D or Part 5E.
- Part 7 (Representative) is only required if you are applying as a representative on behalf of a Claimant. If you are a representative, you must complete page 13 and

include relevant documents. If you are not a representative, you can leave this page blank.

- Page 14 asks what you would like the Administrator to do with your Claim Form and all supporting documents – you have three choices.
- Page 15 provides information on how to submit your Claim Form.

Before sending your claim package to the Administrator, remember to **include a photocopy of a government issued piece of identification** or make sure Part 6 is completed.

### 68. What if I think I can claim more than one level?

Each Claimant will only be compensated one time and for one level of harm. Please make sure you select the level that best represents the experience you had while attending the Indian Day School and complete the Claim Form as required by the level you choose.

### 69. What is a “narrative”?

A “narrative” is a description of the abuse or harm you experienced while attending the Indian Day School(s). You must complete this part of the Claim Form if you are claiming Level 2, 3, 4 or 5. You are not required to complete this part of the Claim Form if you are claiming Level 1.

When writing your narrative, please include names, places and dates as best you can remember. Also, please include enough detail and description of the events that occurred to you so that the person reading can understand why the level you selected is appropriate. If you received medical attention or tried to get medical attention for that incident, then or since then, please write down that information as well. It does not have to be long, but try to write down as many details as you can remember to support the level you are claiming.

### 70. What if I can't fit my entire narrative on the space provided in the Claim Form?

If the space provided on the Claim Form is not enough, please add as many pages as you need and attach them to your final Claim Form. Please label each additional page with “Part 5A”.

### 71. What does “inflict abuse / harm” mean?

Person(s) who “inflict abuse / harm” refers to people who acted in a way that caused you to suffer while attending the Indian Day Schools.

The individuals who caused you to suffer could be anyone who worked at the school (for example, teachers), or anyone who also went to the school (for example, other students).

The type of abuse you suffered could have been verbal (for example, comments or threats) or physical (for example, assault) or sexual (for example, touching of private parts), and

the harm you suffered because of the abuse could have resulted in different types of injury.

For more details and examples, please refer to page 6 and page 7 of the Claim Form.

If at any time, while reviewing or thinking about this, you feel you are experiencing emotional distress and want to talk to someone, you can call the Hope for Wellness Hotline at 1-855-242-3310. There will be someone there to listen and provide counselling.

## 72. What if I can't remember the names and / or positions of the people who hurt me when I went to school?

If you are submitting a claim for Level 1, 2 or 3, the name(s) and / or position(s) of the individuals who hurt you may be provided only if you remember – that is, they are not required.

However, if you are claiming a Level 4 or 5, you must provide either the name or the position or both. Do your best to remember the name, or provide a description of the role the individual had at the school - for example, they may have been a teacher or a principal or another student or a janitor.

## 73. What if I don't have enough space to fit the names and / or positions of the people who hurt me?

If the space provided on the Claim Form is not enough, please add as many pages as you need and attach them to your final Claim Form. Please label each additional page with "Part 5B".

## 74. What does "evidence of attendance" mean?

Evidence of attendance means records or documents or photographs that support that you went to an Indian Day School. Examples of evidence include copies of: report cards, enrollment forms, class photos, letters from a teacher or a principal; or other records like yearbooks or school articles.

## 75. What if I don't have any evidence of attending the school? I never had it / I can't find it / I destroyed it?

If you are claiming Level 1, evidence of attendance is not required.

If you are claiming Level 2, 3, 4 or 5, evidence of attendance is required.

However, if you cannot find any evidence of attendance, you must complete **Part 6** of the Claim Form. Part 6 is a Sworn Declaration where you declare that the information you provided in the Claim Form is true to the best of your knowledge. This statement must be witnessed and signed by a Guarantor who must provide all information (such as where they work and their contact details) as required on page 12 of the Claim Form.

If you have any questions, please call the Administrator Call Centre at 1-888-221-2898.

## 76. How do I send my supporting documents / evidence of attendance?

First, please **list** all the documents / evidence you have, in the space provided in part 5C of the Claim Form, or on additional pages if there isn't enough space for you to list all your documents. For example, if you are sending a report card and class picture and enrolment form:

First, please **type or write** in the space under Part 5C:

- 1. Report Card
- 2. Class Picture
- 3. Enrolment Form

Second, please **make copies** of your documents and include these copies in your Claim Form package (with your Claim Form). Always keep the originals and only send copies of your documents.

Third, only once you've completed your entire Claim Form, **send** the documents together with all other documents and the completed Claim Form to the Administrator. Instructions for how to send are included in the Claim Form.

## 77. What are "other narratives and records"?

Other narratives and records include information from family and friends who know what happened to you and can support your claim by providing a description of what they remember. You may ask them to write out their description of what happened and to provide copies of any documents they have as well – photos, diaries or other records they think will help you. Be sure to list the people who are sharing their information and the records you're attaching to the form.

When you have found such records, please **list** the records you are including in the space provided in Part 5D of the Claim Form, or on additional pages if there isn't enough space for you to list all your documents.

Please **take copies** of your documents and include them in your Claim Form package. Always keep the originals and only send copies of your documents.

Once your Claim Form package is complete, **send** the documents together with all other documents and the completed Claim Form to the Administrator. Instructions for how to send are included in the Claim Form.

## 78. What if I don't have "other narratives and records"?

If you are claiming Level 1, evidence of attendance is not required.

If you are claiming Level 2 or 3, you may provide other narratives and records if you have them. If you do not have any such documents, you are not required to provide them.



If you are claiming Level 4 or 5, you are required to provide other narratives and records to support your claim.

If you are claiming a Level that requires you to provide such records, but you cannot find any, you must complete Part 6 of the Claim Form. Part 6 is a Sworn Declaration where you declare that the information you provided in the Claim Form is true to the best of your knowledge. This statement must be witnessed and signed by a Guarantor who must provide all information (such as where they work and their contact details) as required on **page 12** of the Claim Form.

If you have any questions, please call the Administrator Call Centre at 1-888-221-2898.

### 79. What types of medical documents should I be sending and where can I find them?

You may send copies of medical, dental, nursing and therapy records that document the injuries you described you experienced while attending the Indian Day School. The medical records can be from the past or even recent, since some of the injuries you experienced may have a lasting effect on your body and your mind. These records can be obtained from your healthcare provider, or you may already have the documents in your home.

When you have found your medical records, please **list** the records you are including in the space provided in Part 5E of the Claim Form, or on additional pages if there isn't enough space for you to list all your documents.

Next, please **take copies** of your documents and include them in your Claim Form package. Always keep the originals and only send copies of your documents.

Once your Claim Form package is complete, **send** the documents together with all other documents and the completed Claim Form to the Administrator. Instructions for how to send are included in the Claim Form.

### 80. What if I don't have any medical documents?

If you are claiming Level 1, medical records are not required.

If you are claiming Level 2 or 3, you may provide medical records if you have them. If you do not have any such records, you are not required to provide them.

If you are claiming Level 4 or 5, you are required to provide medical records to support your claim.

If you are claiming a Level that requires you to provide such records, but you cannot find any, you have the following options:

1. Contact Gowling WLG, Class Counsel at 1-844-539-3815. At no cost to you, Class Counsel will walk you through a step-by-step process on how to get a current record and provide ongoing support in helping you get it; **or**

2. You must complete Part 6 of the Claim Form. Part 6 is a Sworn Declaration where you declare that the information you provided in the Claim Form is true to the best of your knowledge. This statement must be witnessed and signed by a Guarantor who must provide all information (such as where they work and their contact details) as required on **page 12** of the Claim Form.

If you have any questions, please call the Administrator Call Centre at 1-888-221-2898.

## 81. What if I can't provide some or all of the supporting documents that are required for the level I am claiming?

If you are claiming a Level 1, the only document you must provide is a copy of your government issued identification. All other supporting documents **are not required**.

If you are claiming Level 2, 3, 4 or 5, please review page 8 of the Claim Form, which describes which information / documents are **required** for which Level.

If you are claiming a Level that requires you to provide supporting documents, but you cannot find any, you must complete Part 6 of the Claim Form. Part 6 is a Sworn Declaration where you declare that the information you provided in the Claim Form is true to the best of your knowledge. This statement must be witnessed and signed by a Guarantor who must provide all information (such as where they work and their contact details) as required on **page 12** of the Claim Form. Sworn Declaration cannot replace a Narrative (Part 5A) or the list of individuals who caused you harm (Part 5B).

### Important:

- You only need to submit **one Sworn Declaration** even if you are missing more than one supporting document
- Sworn Declaration **must be complete** - all fields must be complete on page 12 of the Claim Form
- Certain supporting documents **cannot be replaced** with a Sworn Declaration:
  - Narrative (Part 5A) – required for Level 2, 3, 4 5
  - List of Position(s) / Person(s) who harmed you (Part 5B) – required for Level 4 and 5

If you have any questions, please call the Administrator Call Centre at 1-888-221-2898.

## 82. What is a Sworn Declaration? Do I need to submit one?

A Sworn Declaration is a signed statement made by you that the information that you provided in your Claim Form is true to the best of your knowledge. The statement is also signed by a Guarantor. A Sworn Declaration is found in Part 6 of the Claim Form.

### **Who can sign the Claim Form as an eligible Guarantor?**

- Notary Public or Commissioner of Oaths
- Elected Officials (e.g. Chief, Government Councilor, or Inuit Community Leader)

- Professionals including only the following professions:
  - Lawyer
  - Licensed medical doctor / physician
  - Chartered Professional Accountant (CPA)
  - Police officer
  - Registered social worker
  - Psychologist / Psychiatrist
  - Pharmacist
  - Teacher (primary or secondary)
  - Indian Registration Administrator (IRA)
  - Registered Nurse
  - Registered Clinical Counsellors
  - Registered Occupational Therapist
  - Peace Officers (including Border Service Officers, Correctional Officers)
  - Certified Aboriginal Financial Manager
  - Certified / Registered Accountants
  - Indigenous / Aboriginal Liaison Officer
  - Federal or Provincial Court Judge or Justice of the Peace

### **What is the Guarantor required to do?**

The Guarantor is not required to read the Sworn Declaration or verify the accuracy of the events described by you. The Guarantor is only required to see you sign the Sworn Declaration and complete all the information requested in Part 6 of Claim Form.

You are only required to complete a Sworn Declaration if you are missing one or more of the *required* documents in support of your claim for compensation.

#### Important:

- You only need to submit **one Sworn Declaration** even if you are missing more than one supporting document
- Sworn Declaration **must be complete** - all fields must be complete on page 12 of the Claim Form
- Certain supporting documents **cannot be replaced** with a Sworn Declaration:
  - Narrative (Part 5A) – required for Level 2, 3, 4 5
  - List of Position(s) / Person(s) who harmed you (Part 5B) – required for Level 4 and 5

If you have any questions, please call the Administrator Call Centre at 1-888-221-2898.

### **83. Who is a Representative?**

A Representative is someone who completes the Claim Form and applies on behalf of a Claimant.

A representative must be either:

- **Power of Attorney:** Appointed by a Court to manage or make reasonable judgments or decisions in respect of the affairs of the person under disability, **or**
- The Estate **Executor or Administrator**, appointed by a Court or the Crown-Indigenous Relations and Northern Affairs Canada (INAC/CIRNAC), on behalf of a Claimant who is deceased on or after July 31, 2007

To become appointed as a Personal Representative for a deceased Claimant that lived on reserve, please contact INAC/CIRNAC at: 1-800-567-9604. All other appointments are managed by the local Province or Territory.

If you are a Representative of a Claimant, you must complete Part 7 of the Claim Form and provide all required documentation (see page 13 of Claim Form).

#### 84. I am applying as a Representative – where do I sign?

If you are applying as a Representative, on behalf of a Claimant, you must sign in all fields where the Claimant is asked to sign:

- Part 3 – page 5
- Part 6 (if applicable) – page 12

#### 85. I am applying as a Representative – what type of Identification do I provide?

If you are applying as a representative, you must include:

1. A copy of a government issued piece of identification **for yourself (i.e. for the representative)**. Examples of valid types of government issued identification are listed in FAQ #47
2. A copy of government issued piece of identification **for the Claimant** (if available)
3. Valid documentation that supports your role as the representative

If you are applying as a representative, on behalf of a Claimant who is a **Person Under Disability**, you must provide a copy of government issued piece of identification for the Claimant, along with valid documentation that supports your role as the court appointed Power of Attorney (see page 13 of Claim Form).

Examples of documentation for Power of Attorney include:

- Court Order; or
- Documentation that shows you have Power of Attorney over the Claimant's finances.

If you are applying as a representative, on behalf of a Claimant who is **deceased**, you must provide a copy of the Claimant's death certificate, along with valid documentation

that supports your role as the court appointed Executor / Administrator of the Claimant's Estate (see page 13 of Claim Form).

Examples of documentation for Executor / Administrator include:

- Death Certificate for the deceased Claimant, and
- Will; or
- Revenue Québec Estate Form; or
- Order or Grant of Administration from a Court; or
- Letters of Administration from CIRNAC.

## 86. I am applying as a Representative - what type of documentation do I provide?

If you are applying as a representative, on behalf of a Claimant who was deceased on or after July 31, 2007 and who was or could have been registered under the *Indian Act* and was ordinarily a resident on reserve, you must include:

Residence of Claimant	Will Exists	No Will Exists	Contested/Disputed Will/Estate
Quebec	<ul style="list-style-type: none"> <li>• Death Certificate; <u>and</u></li> <li>• Notarial Will (will is drawn up by a notary and is made in the presence of a witness provided by the Notary)</li> </ul>	<ul style="list-style-type: none"> <li>• Letter of Administration issued by INAC/ISC/CIRNAC – approving a will and/or appointing an Administrator of Estate</li> </ul>	
Other Provinces/Territories	<ul style="list-style-type: none"> <li>• Death Certificate; <u>and</u></li> <li>• Will signed by Claimant before witness(es)</li> </ul>		

If you are applying as a representative, on behalf of a Claimant who was deceased on or after July 31, 2007 and who was not/could not have been registered under the *Indian Act* and was not ordinarily a resident on reserve, you must include:

Residence of Claimant	Will Exists	No Will Exists	Contested/Disputed Estate/Will
Quebec	<ul style="list-style-type: none"> <li>• Death Certificate; <u>and</u></li> <li>• Notarial Will (will is drawn up by a notary and is made in the presence of a witness provided by the Notary)</li> </ul>	Appointment of Liquidator by Heirs: <ul style="list-style-type: none"> <li>• Death Certificate; <u>and</u></li> <li>• <a href="#">Certificate of Will search by Chamber of notaries</a>; <u>and</u></li> <li>• <a href="#">Certificate of Will search by Quebec Law Society</a>; <u>and</u></li> <li>• A Designation of a Liquidator by the Heirs witnessed by a Commissioner of Oaths (e.g. <a href="#">Revenue Quebec form LM-14.1</a>, or similar)</li> </ul> <p><b>And</b>  <u>One of the following:</u></p> <ul style="list-style-type: none"> <li>• Declaration of Heredity sworn before a notary, lawyer or Commissioner of Oaths; <b>OR</b></li> <li>• A Revenue Quebec estate form (Form RQ <a href="#">LM-14</a> or Form <a href="#">BD-81.7</a> or Form <a href="#">BD-81.4</a>)</li> </ul>	Order or Grant of Administration from a Court: <ul style="list-style-type: none"> <li>• Probate judgement issued by Superior Court of Quebec or by Notary authorized by law to probate wills; <u>and</u></li> <li>• Will certified by Superior Court of Quebec or by Notary who probated the will</li> </ul>
Provinces/Other Territories	<ul style="list-style-type: none"> <li>• Death Certificate; <u>and</u></li> <li>• Will - signed by Claimant before witness(es).</li> </ul>	Order or Grant of Administration from a Court <ul style="list-style-type: none"> <li>• E.g. Letters Probate, Letters of Administration, Certificate of Administration, etc.</li> </ul>	

## 87. What will the Administrator do with my Claim Form and documents?

Within **two years** of completing the payments of compensation, the Administrator will destroy all information and documents received from you, unless you:

(1) specifically request that your information is returned to you, or

(2) You want your Claim Form and information / documents delivered to the Legacy Fund. Under the Settlement Agreement, the McLean Day Schools Settlement Corporation will be established to promote Legacy Projects for commemoration, wellness/healing, and the restoration and preservation of Indigenous languages and culture. For more information, refer to the Agreement and visit [www.indiandayschools.com](http://www.indiandayschools.com).

This is why it is important to:

- please make sure that you do not send any original documents to the Administrator – only send copies
- please complete page 14 of the Claim Form – “Retention of Claim Form and Documents” to let the Administrator know if you want your information returned, or destroyed.

## 88. What happens if a claimant passes away after they have submitted their Claim Form but before a decision/compensation payment has been made?

If a claimant passes away after they have submitted their claim form but before a decision or compensation payment has been made, then the claimant’s Estate Executor/ Estate Administrator must complete Part 7 (Representative) of a claim form with respect to the claim and submit along with the required documents noted in Part 7 to the Claims Administrator. The Estate Executor/Administrator is appointed by a Court or the Crown Indigenous Relations and Northern Affairs Canada (INAC/CIRNAC). Any compensation due to the deceased Survivor Class Member under the Claims Process will be mailed to the Estate Executor/Administrator and will be made payable to the claimant’s Estate.

## 89. Can I change my level selection and/or modify my claim once it's been submitted?

No. The Claims Process is designed for Claimants to submit their Claim Form only once. As a result, when a Claim has been submitted, Claimants cannot modify a level selection or supply additional information, unless specifically requested by the Administrator or Independent Assessor.

We understand that submitting a claim can be a complex process for many. Therefore, we encourage Claimants take their time completing their form and, before they send it, double check that it is fully complete, to the best of your ability. If you would like one-on-one support filling out your Claim Form, please call Class Counsel at 1-844-539-3815 or email [dayschools@gowlingwlg.com](mailto:dayschools@gowlingwlg.com) (their support is free).

90. If I am unable to submit my claim form by the Claims Deadline (July 13, 2022) what do I need to provide in order to be granted a deadline extension and be considered for compensation under the Settlement Agreement?

It is recognized that in some extraordinary cases, a Claimant may be entitled to relief from strict application of the Claims Deadline.

If you are unable to submit your Claim Form by the Claims Deadline, you must complete a Request for Deadline Extension Form in order to be considered for a deadline extension. The Request for Deadline Extension Form must be submitted after July 13, 2022 and no later than six months thereafter (the Deadline Extension Period).

The Request for Deadline Extension Form will be made available by July 13, 2022. You will be required to select the reason(s) for the request and to provide a written explanation of the exceptional circumstances you experienced that led to the Claims Deadline not being met.

Claimants are advised that there is no guarantee that their Request for Deadline Extension will be granted. Further, under no circumstance will a late Request for Deadline Extension Form received after the Deadline Extension Period be accepted. Specifically, if your Request for Deadline Extension form is postmarked/time stamped or received 6 months after July 13, 2022, you will not be considered for compensation under the Settlement Agreement.

91. When is the Claims Deadline?

The Claims Deadline is July 13, 2022 at 11:59 PM Pacific Standard Time (PST).

92. What are the requirements to meet the Claims Deadline if I submit my Claim by email or fax?

All Claims submitted by email or fax must be received by the Claims Administrator or have an electronic, system-generated date stamp of no later than **July 13, 2022 at 11:59 PM PST** in order to meet the Claims Deadline. To clarify, a Claim submission may be received by the Claims Administrator after 11:59 PM PST on July 13, 2022, so long as the electronic, system-generated date stamp indicated on the correspondence is before the Claims Deadline.

### 93. What are the requirements to meet the Claims Deadline if I submit my Claim by regular mail or courier

All Claims submitted by regular mail or courier must be received by the Claims Administrator or postmarked by Canada Post or courier service provider by no later than **July 13, 2022 at 11:59 PM PST**. For clarity, the term "postmark" refers to an official mark stamped on a letter or package by either Canada Post or a courier service indicating the date and time that the correspondence was received by Canada Post/courier service. A postmark may not be automatically applied by the post office or courier service. Therefore, it is the responsibility of the Claimant to request and obtain a postmark on their claim submission.

For greater certainty, a Claim submission may be received by the Claims Administrator after 11:59 PM PST on July 13, 2022, so long as the postmark stamped on the correspondence is dated before the Claims Deadline.

**PLEASE NOTE:** Claims submitted by regular mail or courier that are received by the Claims Administrator after July 13, 2022 at 11:59 PM PST without a postmark will be deemed to have been received after the Claims Deadline and might not be accepted.

### 94. Claims Deadline and Missing Information

A claim form must be received by the Administrator by July 13, 2022 under the Settlement Agreement. Please note that it is the Claimants' responsibility to ensure their claim meets this. Class Counsel is available to assist claimants with their claim form completion/ submission at [dayschools@gowlingwlq.com](mailto:dayschools@gowlingwlq.com) or 1-844-539-3815.

If a claim form is not received by July 13, 2022 11:59 PM Pacific Standard Time (PST), an extension must be requested by the Claimant and approved by the Exception Committee. The Extension Request Form is now available here.

Claimants previously contacted to advise of missing information from their Claim form may be contacted again by the Claims Administrator (by email/phone/letter) to notify them that information remains outstanding from their Claims submission where we have not yet received a response. **Missing information must be received as soon as possible in order to be processed.** Please call the Administrator for assistance at 1-888-221-2898.

FOR ESTATES: For deceased class members, where estate documentation cannot be obtained by July 13, 2022, we encourage that claims forms should still be submitted by July 13, 2022 and the missing estate information as soon as possible.

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