

# FAQ

[About](#)

[Eligibility](#)

[Ineligibility](#)

[Completing the Claim Form](#)

[Schedule K – List of Federal Indian Day Schools](#)

[Claim Form Process](#)

[Compensation](#)

[Estate Claims](#)

[Legacy Fund](#)

[Opting-Out](#)

[Expand All Questions](#) | [Collapse All Questions](#)

Below are answers to some of the most commonly asked questions about the Settlement. The [Notice of Settlement Approval – Long Form](#) contains even more detailed information, and we encourage everyone to review it carefully.

The Gowling WLG team is also here to help answer any questions you may have – **and our support is free to Claimants**. For detailed information regarding the Claims Administration Process, please review the [Claims Administrator FAQ](#) document.

## About

### Q1: What is the Federal Indian Day School Settlement all about?

In 2009, Garry McLean launched a class action lawsuit against Canada to seek compensation for the harms suffered by Indigenous students forced to attend Federal Indian Day Schools and Federal Day Schools across Canada.

On August 19, 2019, the Federal Court approved a nation-wide Class Action Settlement to compensate Claimants for harms suffered while attending federally established, operated, maintained, and controlled Day Schools.

### Q2: The term “Indian” is outdated, not inclusive, and even offensive.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.

### Q3: What rights did I give up, if any, by agreeing to the Settlement?

The Settlement was approved by the Federal Court on August 19, 2019. If you did not opt out of the class action, then you gave 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 as listed [here](#). In return, you will be eligible for compensation for the most severe harm 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](#).

For clarity, nothing in the [Settlement Agreement](#) prohibits you from bringing a suit against any other entity or organization for harms you experienced.

## Eligibility

### Q1: Who is eligible under the Settlement?

To be eligible for compensation, an individual must have attended one of the identified Federal Indian Day Schools or Federal Day Schools listed on the List of Federal Day Schools ([Schedule K](#)) and experienced harm. You can find the list of schools [here](#).

### Q2: Are deceased Class Members who attended a Federal Indian Day School or Federal Day School eligible for compensation?

While family members are not eligible to receive direct compensation, the representative of the estate (executor, administrator, or trustee) of a late Claimant who died on or after July 31, 2007 can file a claim on behalf of the deceased. Estate representatives can make a claim for any level on behalf of the deceased Claimant (Levels 1 to 5).

If the deceased Claimant had no will (naming an executor), then a representative will need to be appointed. This process will depend on whether the deceased Claimant ordinarily resided on reserve or off reserve.

For more information see subheading entitled “Estate Claims” below.

### Q3: Why do estate claims only go back as far as July 31, 2007?

The Indian Day School Class Action was filed on July 31, 2009 so the cut-off date was set at July 31, 2007. This was based upon the general 2-year limitation period.

### Q4: How can I apply on behalf of a deceased Claimant?

If the deceased Claimant passed away on or after July 31, 2007, attended a school on [Schedule K](#), and experienced harm, then an estate representative (executor, administrator, or trustee) may file a [Claim Form](#) on behalf of the deceased Claimant. For more information please see the estates [infographic](#).

Please see page 13 of the [Claim Form](#). You will need to include the listed documents that confirm you have the authority to represent the deceased Claimant's estate. Please take a photocopy of those documents and attach them with the [Claim Form](#). Do not send original documents.

**Q5: I attended an Indian Day School, but I'm not sure who ran it. Am I eligible?**

Some schools were run by entities other than the federal government, such as churches, First Nations, or provincial or territorial governments. This Settlement only applies to those who attended federally established, operated, maintained, and controlled schools as set out in [Schedule K](#). To find out if your school was federally operated, please review the list of approved Day Schools ([Schedule K](#)) or contact Gowling WLG directly at 1-844-539-3815.

**Q6: 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 by November 18, 2019 will receive no compensation under this Settlement. They will, however, retain the right to bring their own action against Canada for harms suffered while attending a Federal Indian Day School or a Federal Day School should they wish to do so.

**Ineligibility**

**Q1: Why did I get assessed as ineligible by the Claims Administrator?**

There can be a number of reasons why your claim has been found ineligible by the Claims Administrator. It could be because:

- the school, or years you attended the school, was not run by the federal government;
- you opted out of this Settlement;
- you have already received compensation for the same harms through another Settlement with the federal government; or
- the claim is on behalf of an estate and the deceased died before July 31, 2007.

The reason for your ineligibility will be listed in the letter from the Claims Administrator. If you have questions about your ineligibility letter, we encourage you to contact the Claims Administrator at: 1-888-221-2898 or [indiandayschools@deloitte.ca](mailto:indiandayschools@deloitte.ca).

**Q2: I attended an Indian Day School. Why am I not eligible?**

To be eligible for compensation, an individual must have attended one of the identified Federal Indian Day Schools or Federal Day Schools on [Schedule K](#) of the Settlement Agreement (the school list) and experienced certain abuse/harm during the time the school was run by the federal government. You can find a list of the schools and the qualifying years [here](#).

Some schools were run by entities other than the federal government, such as churches, First Nations, or provincial or territorial governments. If you do not see the school you attended on the list ([Schedule K](#)), it is not covered under this class action. This Settlement only applies to those who attended federally established, operated, maintained, and controlled schools set out in [Schedule K](#).

**Q3: I disagree with this assessment. Is there anything I can do about my ineligibility letter?**

We know that it is difficult and disappointing for people when they learn that they are not eligible for this Settlement. A finding of ineligibility does not mean that your experience is not real and valid. It just means that it does not meet the terms of this specific Settlement Agreement.

Unless there was an error in how your claim was processed concerning the application of [Schedule K](#) (the school list) we can do no more for you in this process. If you have questions about your ineligibility letter, we encourage you to contact the Claims Administrator at: 1-888-221-2898 or [indiandayschools@deloitte.ca](mailto:indiandayschools@deloitte.ca).

**Completing the [Claim Form](#)**

**Q1: What types of government-issued ID can I submit with my Claim Form?**

Acceptable forms of valid government-issued identification include:

- 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)

When submitting your Claim Form, please ensure that:

- both sides your ID are photocopied
- the name and birthday on the ID match the name and birthdate on the Claim Form
- the ID is not expired

**Please note that health cards are NOT acceptable forms of ID for privacy reasons.** Membership cards issued by an organization, or cards issued by a city, municipality, or region are also not acceptable forms of ID, as they are not issued by a state, provincial, territorial, or federal government.

If you do not have any of the above forms of ID, please fill out a Sworn Declaration at Part 6 of the [Claim Form](#).

**Q2: Who can be the witness on page 5?**

Anyone who is the age of majority in your province or territory can act as your witness on page 5 of the [Claim Form](#). The witness can be a family member. The person does not need to have been a witness to your abuse at a Federal Indian Day School or Federal Day School. They are only a witness to your signature on page 5. The witness is only required to see you sign page 5 of the [Claim Form](#). The witness does not need to read your entire [Claim Form](#) or affirm the accuracy of the events described by you.

**Q3: What if I attended more than two schools?**

Please include the name and information of every Federal Indian Day School or Federal Day School on [Schedule K](#) that you attended. We recommend you photocopy page 4 or print another copy if you need to include more than two schools. Alternatively, you can hand-write the additional schools and years.

**Q4: Do I only select one Claim level "box"?**

Yes. You only apply for **one** level; therefore only check **one** box. You should apply for the highest level for which the criteria applies to you. If you are unsure which level to submit, please contact [1-844-539-3815](tel:1-844-539-3815) and you can request for a lawyer to review your narrative and assist you in selecting the appropriate level. If you select more than one level (or none at all) then your [Claim Form](#) may be sent back to you as incomplete by the Claims Administrator.

**Q5: Can abuse suffered from other students be included in my Claim?**

Yes. Abuse suffered from other students while attending at the Federal Indian Day School or Federal Day School can be included in your narrative.

**Q6: How should I document my experience in the narrative?**

Please focus on the "Ws" – who hurt you, what happened, when did it happen, and where? Please include this information to the best of your knowledge. If you remember the dates, time of year, grade, or teacher, then such details are helpful to include in your narrative. If you are claiming Level 3, 4, or 5 in relation to physical abuse causing long-term or permanent harm, please be sure to include how such abuse continues to harm you. Providing this information will help strengthen your Claim. Please remember – there is no page limit! Take as much space as you need.

If you need help, we can also assist you in writing your narrative by telephone at [1-844-539-3815](tel:1-844-539-3815).

Mental health support is available 24 hours a day, 7 days a week through the Hope for Wellness Help Line. You can call at [1-855-242-3310](tel:1-855-242-3310) or connect with someone online at [www.hopeforwellness.ca](http://www.hopeforwellness.ca).

**Q7: Are you, as Class Counsel, available to be a Guarantor?**

Yes, our legal team can provide assistance with the Sworn Declaration by video during the COVID-19 pandemic. Please call [1-844-539-3815](tel:1-844-539-3815) and you can request to set up an appointment with a lawyer for your Sworn Declaration. Please also see the list of eligible Guarantors, as there may be someone available in your community:

- Border Service Officer
- Certified Aboriginal Financial Manager
- Certified/Registered Accountant
- Chartered Professional Accountant
- Commissioner of Oaths
- Correctional Officer
- Elected Officials (e.g., Chief, Government Councilor, or Inuit Community Leader)
- Federal or Provincial Court Judge or Justice of the Peace
- Indian Registration Administrator
- Indigenous/Aboriginal Liaison Officer
- Lawyer
- Licensed Medical Doctor/Physician
- 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)

**Q8: Where will Claim Forms eventually be stored after the process is over?**

This will depend on your answer on page 14 (destroy, return, or send to Legacy Fund). If you want to have your information stored, you can send it to the Legacy Fund for archiving, which is run by the McLean Day Schools Settlement Corporation, a non-profit corporation run by Day School Claimants, to promote education, healing, and wellness.

**[Schedule K](#) – List of Federal Indian Day Schools**

**Q1: What if I don't see the school I attended on the list of eligible schools?**

The list of eligible Federal Indian Day Schools ([Schedule K](#)) is final. If you attended a school on this list, you may be eligible to make a Claim for compensation. The current list of schools can be found [here](#).

**Q2: Is it only the years listed for the schools on Schedule K that are eligible?**

Yes. The eligible class periods are the dates for each school on [Schedule K](#) only. You must have attended one of the eligible school within the opening and closing or transfer date.

**Q3: Do you have a list of which Day School(s) I attended?**

Class Counsel does 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.

**Q4: How can I differentiate a Federal from a Provincial Day School?**

A complete list of Federal Indian Day Schools and Federal Day Schools can be found [here](#). If your school is not on the list, it is likely a Provincial Day School or another type of institution.

**Q5: Where can I locate my school records?**

Evidence of school attendance includes school records that you or a family member may already have, including report cards, class photographs, or letters from teachers or the principal. Institutional records, such as class lists or administrative documents, are not required.

If you cannot obtain school records, you can provide a Sworn Declaration included on Part 6 (page 12) of the [Claim Form](#).

**Q6: What if I cannot find my school records?**

School records are not required for Level 1 Claims. For Levels 2-5, if you cannot obtain school records, you can provide a Sworn Declaration included on Part 6 (page 12) of the [Claim Form](#).

**Q7: Are school class photos sufficient proof to satisfy evidence of attendance?**

Yes. Class photographs are listed on page 10 of the [Claim Form](#) under "School Records".

**Claim Form Process**

**Q1: What's the difference between my Class Registration and my Claim Form submission?**

Registering helps ensure our legal team can send you information and updates. The [Claim Form](#) is what you need to complete and file with the Claims Administrator in order to be eligible for compensation. Everyone who wants to apply for compensation must complete a [Claim Form](#), even if you already registered with Gowling WLG.

**Q2: I already sent in a Class Registration form. Do I still have to complete a Claim Form?**

Yes, you still need to file a Claim Form with the Claims Administrator. A registration form previously sent to us is not a substitute.

**Q3: If I am approved for compensation, how will I receive it? Will I be required to provide information about my bank account?**

The Claims Administrator will issue payment to each eligible Claimant by cheque ONLY. The cheque will be issued in the Claimant's name and sent to the Claimant's address listed on the [Claim Form](#). Claimants should not provide personal bank account information to anyone. Please contact the Claims Administrator at 1-888-221-2898 for more details.

**Q4: Will the Claim Form be emailed to me or available at my Band Office?**

The best way to access a [Claim Form](#) is either to download it from the website [www.IndianDaySchools.com](http://www.IndianDaySchools.com) or, if you would like it mailed to you, please call the Claims Administrator at 1-888-221-2898.

**Q5: How do I access records from doctors/dentists hired by Indian Affairs?**

Medical, dental, nursing, or therapy records can be obtained from your healthcare provider. If you cannot access past records from a doctor or dentist hired by Indian Affairs, request a current record that documents the injury you previously suffered and any lasting effects to this day.

If you cannot obtain any medical, dental, nursing, or therapy records, you can provide a Sworn Declaration included on Part 6 (page 12) of the [Claim Form](#).

**Q6: Is it possible to send a "draft" copy of the Claim Form narrative for feedback/legal advice?**

Yes. Legal counsel is available, at no cost to you, to help review your narrative and assist you in selecting the appropriate level. Please call 1-844-539-3815 to speak with a member of our legal team.

**Q7: What if I also attended a Residential School and received a Common Experience Payment from the Residential School Settlement? Can I still apply?**

Yes. As long as you attended a Federal Indian Day School or Federal Day School at some point, you can apply for compensation under the Settlement. To be eligible for compensation, Claimants must have attended one of the identified Federal Indian Day Schools or Federal Day Schools listed on the List of Federal Day Schools ([Schedule K](#)) and experienced harm. You can find the list of schools [here](#).

**Q8: Who is an eligible Guarantor that can sign the Sworn Declaration (Part 6 of the Claim Form)?**

The following individuals may act as Guarantors and sign the Declaration found at Part 6 of the [Claim Form](#):

- Border Service Officer
- Certified Aboriginal Financial Manager
- Certified/Registered Accountant
- Chartered Professional Accountant
- Commissioner of Oaths

- Correctional Officer
- Elected Officials (e.g., Chief, Government Councilor, or Inuit Community Leader)
- Federal or Provincial Court Judge or Justice of the Peace
- Indian Registration Administrator
- Indigenous/Aboriginal Liaison Officer
- Lawyer
- Licensed Medical Doctor/Physician
- 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)

The Guarantor is only required to see you sign the Sworn Declaration. The Guarantor is not required to read your entire [Claim Form](#) or verify the accuracy of the events described by you.

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 for Levels 2 to 5. More information on these documents can be found in the [Claim Form](#).

**Q9: What mental health supports are available to people to assist them through this process?**

Mental health support is available 24 hours a day, 7 days a week through the Hope for Wellness Help Line. You can call [1-855-242-3310](tel:1-855-242-3310) or connect with someone online at [www.hopeforwellness.ca](http://www.hopeforwellness.ca).

You may also access ongoing mental health resources in your region. A listing of these services is available [here](#).

**Q10: What if I already sent in my Claim Form and I now want to amend it?**

Claimants may only submit one Claim Form. Once submitted, the Claim Form cannot be revised or replaced.

The Claims Process is designed for Claimants to make one claim submission based on the most severe harm experienced at a Day School as set out in Parts 4 and 5 of the Claim Form. On September 23, 2021, the Federal Court confirmed, in this decision, that once a Claim Form has been received by the Claims Administrator, Claimants cannot add new information, change their level selection or submit a new claim.

Claimants may, however, still have an opportunity to submit further information if the Claims Administrator makes a request for additional materials or on a Reconsideration/Appeal of a decision where the Claims Administrator assessed a claim at a lower level than the one selected on the Claim Form.

Claimants are strongly encouraged to carefully complete and take time to review their Claim Form before submitting it. 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). Claimants are reminded that the deadline to submit a Claim Form is July 13, 2022. Please take your time with your Claim Form.

**Q11: What if I cannot submit a Claim Form by the July 13, 2022 Deadline?**

The Settlement Agreement provides a possible extension period of six (6) months – extending the deadline to January 13, 2023.

Once the deadline of July 13, 2022 has passed, if someone is unable to file a Claim Form during that the initial 2.5 year period – due to unique impacts from the pandemic, or another extraordinary circumstance – then the Claimant can submit an Extension Request Form to seek the six (6) month extension. We anticipate that Deloitte will publish the Extension Request Form at the time the deadline is set to expire. For clarity, the Extension Request Form cannot be filed prior to the July 13, 2022 deadline.

We encourage Claimants to submit a Claim Form before the July 13, 2022 deadline rather than file an additional form and relying on the Exceptions Committee to grant the six-month extension. Class Counsel remains free and available to assist at 1.844.539.3815.

**Compensation**

**Q1: Is payment of compensation made on a “first come, first served” basis?**

There is no such policy.

The amount of money set aside for eligible Level 1 Claims is based on data about the total number of students who are believed to have attended eligible Federal Indian Day Schools or Federal Day Schools. The data was reviewed by an independent expert and made available to the Federal Court for approval to ensure that funds will be available for anticipated Level 1 Claims. The Federal Court accepted this approach to Level 1 payments and approved the Settlement.

Payments of Level 2 to 5 Claims are made by Canada to the Claims Administrator after approval.

**Q2: What does the Settlement include in terms of compensation?**

Compensation ranges from \$10,000 to \$200,000 in consideration of your harms associated with attending a Federal Indian Day School or Federal Day School. An eligible Claimant will receive a payment reflecting the most severe harm suffered while attending a Federal Indian Day School or Federal Day School, irrespective of the number of schools attended or how long the Claimant attended such schools.

The Settlement recognizes that harm was experienced not only by individual Claimants, but also by families and whole communities. That is why it also includes a \$200 million Legacy Fund to support commemoration projects, health and wellness programs, and language and culture initiatives for Indigenous communities. For clarity though Family Class Members will not receive personal compensation under the Settlement.

**Q3: How long will Claimants have to apply for compensation?**

Claimants have until **July 13, 2022 at 11:59 PM PST** to apply for compensation. The Claims Administrator must receive a completed Claim Form

- By email or fax with an electronic system-generated date stamp of no later than **July 13, 2022 at 11:59 PM PST**; or

By regular mail or courier postmarked by Canada Post or the courier service provider no later than **July 13, 2022 at 11:59 PM PST**. *Note that the Claimant must request a postmark from Canada Post or the courier service provider when submitting their claim using this method.* A 6-month extension will be available upon request.

#### **Q4: When can I expect to receive compensation?**

The Claims Administrator has already started to issue payments to Claimants whose Claim Forms have been reviewed and approved. Please note that Claims are processed on a rolling basis. In other words, Claims will be reviewed as they are received. Eligible Claimants do not have to wait until July 13, 2022 to receive compensation.

If you any questions about the status of your submitted Claim Form, you can reach the Claims Administrator, Deloitte, by calling the Claims Help Line at **1-888-221-2898**.

#### **Q5: How do I learn more information about filing a Claim Form to receive compensation?**

The [Claim Form](#) is available to download on our website [here](#) or by contacting Gowling WLG. We encourage Claimants to thoroughly review the [Claim Form](#) and requirements. [Take your time](#).

- **Phone:** Claimants who have specific questions about the [Claim Form](#) can call the Claims Administrator's Help Line at **1-888-221-2898**. Claimants can obtain assistance in English, French, James Bay Cree, Inuktitut, and Ojibway.
- **Facebook:** We provide updates through our Facebook Group. The group is called "*McLean Class Action on Indian Day Schools*."
- **Website:** Our website, [www.IndianDaySchools.com](http://www.IndianDaySchools.com), has many resources. Claimants can:
  - Register for a Zoom (video conference) Claim Form Workshop. During these sessions, we will walk Claimants through the [Claim Form](#) and answer questions live. Claimants can view the schedule of sessions and sign up [here](#).
  - Watch an educational video that walks Claimants through the [Claim Form](#) step by step. Currently it is available in English and French, and it will soon be available in certain Indigenous languages. The educational video can be accessed [here](#).
  - Review our tips and [infographics](#) about the [Claim Form](#) and process [here](#).

Finally, we understand that filling out the [Claim Form](#) can be emotional. Mental health support is available through the toll-free Hope for Wellness Help Line at **1-855-242-3310** or the online chat at [www.hopeforwellness.ca](http://www.hopeforwellness.ca).

#### **Q6: I received compensation for the level I requested, but believe that I am eligible for a higher level. Can I submit a new claim?**

No. Once a claim has been fully adjudicated by the Claims Administrator or Independent Assessor, that decision is final.

The Claims Process is designed for Claimants to make one claim submission based on the most severe harm experienced at a Day School as set out in Part 4 and 5 of the Claim Form. On September 23, 2021, the Federal Court confirmed, in this decision, that once a Claim Form has been received by the Claims Administrator, Claimants cannot add new information, change their level selection or submit a new claim.

#### **Q7: What if I have already submitted my claim form and now want to change it?**

Applicants are not allowed to edit their application form once it has been submitted. However, claimants may have the option to submit additional information if the claims administrator makes a request for additional information if the claims administrator makes a request for additional documents or on a reconsideration of a decision where the claims administrator has assessed a claim at a lower level than selected on the claim form.

Please note that claimants may only submit one (1) claim form as part of the claims process.

Claimants are strongly encouraged to carefully complete and take time to review their [Claim Form](#) before submitting it. 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). **Claimants are reminded that the deadline to submit a Claim Form is July 13, 2022.** Please take your time with your [Claim Form](#).

#### **Q8: Will the Claims process be complicated or difficult?**

We strongly encourage Claimants to take your time with your [Claim Form](#). Claimants have until **July 13, 2022** to submit it to the Claims Administrator.

The claims process is designed to be culturally sensitive and attempts to avoid re-traumatizing Claimants. It is a paper-based process. It can be completed from the comfort of your own home. No travel is required. Claimants are not cross-examined or put on the stand and questioned about their stories. Moreover, legal services as well as one-on-one help to complete a [Claim Form](#) are provided at no cost to Claimants at **1-844-539-3815** or by email at [dayschools@gowlingwlg.com](mailto:dayschools@gowlingwlg.com). Note that some additional information and documents are required to support Claims for higher levels of compensation, but those who cannot obtain such documents can provide a Sworn Declaration, which is found at Part 6 (page 12) of the [Claim Form](#).

#### **Q9: What is a Sworn Declaration? Do I need to submit one?**

The Sworn Declaration is a signed statement made by you that the information provided in your [Claim Form](#) is true to the best of your knowledge. The statement is also signed by a Guarantor. The Sworn Declaration is found at Part 6 (page 12) of the [Claim Form](#).

#### **Q10: Who is an eligible Guarantor that can sign the Sworn Declaration (Part 6 of the Claim Form)?**

The following individuals may act as Guarantors and sign the Declaration found at Part 6 of the [Claim Form](#):

- Border Service Officer
- Certified Aboriginal Financial Manager
- Certified/Registered Accountant
- Chartered Professional Accountant
- Commissioner of Oaths
- Correctional Officer
- Elected Officials (e.g., Chief, Government Councilor, or Inuit Community Leader)
- Federal or Provincial Court Judge or Justice of the Peace

- Indian Registration Administrator
- Indigenous/Aboriginal Liaison Officer
- Lawyer
- Licensed Medical Doctor/Physician
- 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)

The Guarantor is only required to see you sign the Sworn Declaration. The Guarantor is not required to read your entire [Claim Form](#) or verify the accuracy of the events described by you.

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 for Levels 2 to 5. More information on these documents can be found in the [Claim Form](#).

#### **Q11: How will compensation be distributed?**

The Claims Administrator is responsible for distributing individual compensation to Claimants. The Claims Administrator has started to issue payments for Claimants whose forms have been reviewed and approved.

It is important to know that Claim Forms are processed on a rolling basis. In other words, Claims will be reviewed as they are received. Eligible Claimants do not have to wait until the deadline of July 13, 2022 to receive compensation. If you have any questions about the status of your submitted [Claim Form](#), you can reach the Claims Administrator, Deloitte, by calling the Claims Help Line at 1-888-221-2898. Please do not send the Claims Administrator or Class Counsel your banking information. Compensation under the Settlement will flow directly from the Claims Administrator to the Claimants.

#### **Q12: 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 be no impact on benefits including social assistance, OAS, and CPP (see section 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. 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 Indian Day Schools or Federal Day Schools. The Canada Revenue Agency makes it clear that litigation damages for personal injuries are not taxable income. Further, they will not impact social benefits.

##### Old Age Security (OAS) and Guaranteed Income Supplement

There will be no impact. The Old Age Security Act defines income in accordance with the Income Tax Act. Litigation payments for personal injury, including psychological harm, are exempt from the Canada 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.

##### 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 beneficiary's lifetime.

#### **Q13: What assistance is provided to Claimants?**

A Claimant can receive assistance completing a [Claim Form](#) at no cost to them by calling the Gowling WLG call center at 1-844-539-3815. We encourage Claimants to thoroughly review the [Claim Form](#) and requirements. Take your time, especially when completing your narrative and selecting a level – nobody knows your experience better than you.

- **Phone:** Claimants who have specific questions about the [Claim Form](#) can call the Claims Administrator's Help Line at 1-888-221-2898. Claimants can obtain assistance in English, French, James Bay Cree, Inuktitut, and Ojibway.
- **Facebook:** We provide updates through our Facebook Group. The group is called "McLean Class Action on Indian Day Schools."
- **Website:** Our website, [www.IndianDaySchools.com](http://www.IndianDaySchools.com), has many resources. Claimants can:
  - Register for a Zoom (video conference) Claim Form Workshop. During these sessions, we will walk Claimants through the [Claim Form](#) and answer questions live. Claimants can view the schedule of sessions and sign up [here](#).
  - Watch an educational video that walks Claimants through the [Claim Form](#) step by step. Currently it is available in English and French, and it will soon be available in certain Indigenous languages. The educational video can be accessed [here](#).
  - Review our tips and [infographics](#) about the Claim Form and process [here](#).

Finally, we understand that filling out the [Claim Form](#) can be emotional. Mental health support is available through the toll-free Hope for Wellness Help Line at 1-855-242-3310 or the online chat at [www.hopeforwellness.ca](http://www.hopeforwellness.ca).

**Q14: Who decides what level of compensation I am eligible for under the Settlement? Can I “appeal” a decision?**

On the [Claim Form](#), you are required to identify which level of compensation you are seeking (i.e., Levels 1 to 5). Only select one level. If you do not make any level selection, then the Claim Form will likely be returned to you as incomplete.

If you are a Claimant 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 sets your claim at a lower level of compensation than you claimed in your claim form, you can ask the Claims Administrator for reconsideration of that decision. You will be able to provide additional information in support of the harm level that you claimed. If, following the reconsideration by the Claims Administrator, you are still unsatisfied, you can request that your claim be reviewed by the Independent Assessor.

The Independent Assessor may invite you to submit additional information in support of your claim before making a decision. The decision of the Independent Assessor is final. The Independent Assessor may on occasion refer a difficult or unique claim to the Exceptions Committee. The specific facts and circumstances of an individual claim will determine whether it is referred to the Exceptions Committee. A decision by the Exceptions Committee is final.

The Reconsideration and Independent Assessor process is not available to Claimants who seek to change their selected level after their Claim Form has been filed with the Claims Administrator. If you have further questions about your particular Claim, you can contact Class Counsel for guidance.

**Q15: Can I sign a Claim Form for a family member who is applying for compensation?**

To sign the [Claim Form](#) for an eligible Claimant, you must be appointed as their Personal Representative. A Personal Representative is typically appointed by a court to manage or make reasonable judgements or decisions in respect of the affairs of a person under disability.

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

For First Nations, please visit [here](#) for more information on how to become a Personal Representative of someone under disability.

**Q16: The Claims Administrator assessed my claim at a lower level than the one I selected. What should I do?**

If you receive a decision letter from the Claims Administrator assessing your claim at a lower level than the level you selected, please note that this decision is not final. Class Counsel is available to provide free legal assistance to Claimants who require help in deciding how best to move forward with their claim. Please contact us at 1-844-539-3815 or email [dayschools@gowlingwlg.com](mailto:dayschools@gowlingwlg.com).

Upon receiving the letter, please read it carefully and review the reason(s) provided by the Claims Administrator as to why they assessed your claim at a lower level than you selected. You will have 120 days to submit your “*Reconsideration*” *Decision Form*, which is included in the letter, to the Claims Administrator along with additional information, if applicable. This form asks you to choose how you would like to proceed with your claim. You may either:

- a. accept the new level assessed by the Claims Administrator, or
- b. request a Reconsideration of your claim.

When making the decision about whether to accept the new level or request a reconsideration, please consider whether you have additional information to provide to the Administrator that would help them make a different decision. In a Reconsideration, the Administrator will conduct another review of your narrative and any additional information you provide to assess if your claim can meet the level you requested, based on the criteria outlined in the harms grid (page 7 of the [Claim Form](#)). We strongly suggest contacting Class Counsel for support with this part of the process.

If, following the Reconsideration by the Claims Administrator, you are still unsatisfied, you can request that your claim be reviewed by the Independent Assessor.

The Independent Assessor may invite you to submit additional information in support of your claim before making a decision. The decision of the Independent Assessor is final. That said, the Independent Assessor may, on occasion, refer a difficult or unique claim to the Exceptions Committee. The specific facts and circumstances of an individual claim will determine whether it is referred to the Exceptions Committee. A decision by the Exceptions Committee is final.

The Reconsideration and Independent Assessor process is not available to Claimants who seek to change his/her level selected after his/her Claim Form has been filed with the Claims Administrator. If you have further questions about your particular claim, you can contact Class Counsel for guidance.

**Q17: The Claims Administrator assessed my claim at a higher level than the one I selected. What should I do?**

If you receive a decision letter from the Claims Administrator assessing your claim at a higher level than the level you selected, you may be required to submit additional information. Although a higher-level claim may require additional time and effort, it may result in a higher compensation amount.

Upon receiving the letter, please read it carefully and take note of any additional information requested by the Claims Administrator. The letter will include a “*Confirmation of Self-identified Level*” *Decision Form*, which asks you to choose how you would like to proceed with your claim. You may either:

- a. remain at the level you selected on your Claim Form, or
- b. request that your Claim Form be assessed at a higher level than the level you selected on your Claim Form.

If you choose to have your Claim Form assessed at a higher level, then you will likely be asked to submit the documents listed on the *Additional Information and/or Documents form*. Please note that your claim will take longer for the Claims Administrator to process as the Claim Form will need to be sent to the Government of Canada for review of eligibility. Canada has 60 days to review Levels 2-3, and 90 days to review Levels 4-5, starting from when the claim is received from the Claims Administrator.

Class Counsel is available to provide free legal assistance to Claimants who require help in deciding how best to move forward with their claim. Please contact us at 1-844-539-3815 or email [dayschools@gowlingwlg.com](mailto:dayschools@gowlingwlg.com).



**Q18: Are there legal fees or costs associated with participating in this Settlement?**

No. There are no legal fees or costs to apply for compensation. To be eligible for compensation, you must have attended one of the identified schools listed on [Schedule K](#) and experienced harm. If you have questions, Gowling WLG is here to provide legal advice free of charge.

**Q19: How is Gowling WLG getting paid?**

Canada has agreed to pay Class Counsel its legal fees and disbursements directly. The amount has been approved by the Federal Court. Class Counsel's fees are separate and apart from the compensation for Claimants and from the Legacy Fund.

**Q20: May I retain non-Class Counsel to assist with the submission of my Claim?**

Claimants can choose to retain their own lawyers; however, they will have to pay for non-Class Counsel legal services, subject to court approval (see further details below at Q20).

As Class Counsel, Gowling WLG provides legal and other services to Claimants **free of charge** under the [Settlement Agreement](#).

**Q21: If I use another lawyer, how do they get paid?**

Claimants choosing to use a non-Class Counsel lawyer may be asked to enter into a separate retainer/payment relationship with the lawyer of their choosing. Please note that Canada does **not** pay for the legal fees or disbursements of non-Class Counsel lawyers. All legal fees or disbursements charged by a non-Class Counsel lawyer must be paid by the Claimant.

Any fees or disbursements charged by a non-Class Counsel lawyer under that retainer or payment agreement **must be approved** by the Federal Court **before** the lawyer can require payment. Court approval is intended not to limit choice of counsel but to ensure that some of the past problems with such retainers do not occur again.

**Q22: What is the impact of retaining a non-Class Counsel lawyer on my later use of Gowling WLG as Class Counsel?**

Any Claimant retaining non-Class Counsel will release Class Counsel from any ongoing responsibilities to them. The retainer of non-Class Counsel must outline the consequences that a retainer with them will have on the usual duties and responsibilities owed by Class Counsel to the Claimant.

By signing a separate retainer agreement and/or choosing to use a lawyer other than Class Counsel, the Claimant will be deemed to have given up their access to free legal services from Class Counsel and will be deemed to have released Class Counsel from their obligations to support that particular Claimant.

**Q23: Has compensation been delayed due to COVID-19?**

No. The Claims Administrator continues to accept and process Claim Forms. That said, we recommend all Claim Forms be faxed or emailed directly to the Claims Administrator at this time due to mail delivery delays. Please be reminded that the deadline to submit is still July 13, 2022.

The Claims Administrator issues payments for Claimants whose Claim Forms have been reviewed and approved. Claims are processed on a rolling basis. In other words, Claims will be reviewed as they are received. Eligible Claimants do not have to wait until July 13, 2022 to receive compensation. If you have any questions about the status of your submitted Claim Form, you can reach the Claims Administrator, Deloitte, by calling the Claims Help Line at [1-888-221-2898](tel:1-888-221-2898).

**Q24: What if I don't see my abuse listed on the Claim Form?**

If you suffered a physical or sexual abuse that is not listed on page 7 of the Claim Form, you may still qualify for compensation beyond a Level 1 claim. Abuse and resulting harm is fact specific. Please include the abuse, and in the case of physical abuse, also include the resulting harm, in your Written Narrative (Part 5A) and call Class Counsel at 1-844-539-3815 for advice on level selection.

**Estate Claims**

**Q1: What kind of support does Class Counsel offer for estate claims?**

We recognize that individuals managing the claims process on behalf of a deceased loved one may need specific guidance and support. Class Counsel is available to support estate representatives complete the Claim Form. Additional information about how to apply for compensation on behalf of a loved one's estate can also be found in the Helpful Resources page of the website.

**Q2: What if the deceased Claimant had a Will?**

An estate representative appointed in the Will may file a Claim Form on behalf of the deceased Claimant. For more information please see the estates infographic. [\[insert hyperlink to infographic\]](#)

Please also see page 13 of the Claim Form. You will need to include the listed documents that confirm you have the authority to represent the deceased Claimant's estate. Please take a photocopy of those documents and attach them with the Claim Form. Do not send original documents.

**Q3: What if the deceased Claimant lived on reserve and did not have a Will?**

If the deceased Claimant lived on reserve prior to passing away, we recommend that you call one of Indigenous Services Canada's ("ISC") [Regional Offices](#) to be appointed as the Estate Administrator. The Regional Office that will be responsible for the estate depends on the province/territory where the individual died. To start the estate process, the death must be reported to ISC. To report the death of a registered family member, you can provide ISC with a copy of the:

- vital statistics death record or extract;
- church death certificate;
- coroner's report;
- burial permit; or
- internment certificate.

By Mail: Indigenous Services Canada, Office of the Indian Registrar  
10 Wellington Street  
Gatineau QC K1A 0H4

or

Send to the ISC Regional Office (contact the Regional Office in the region where the individual died for appropriate address. See phone numbers below.)

or

By Email: [aadnc.estates-successions.aandc@canada.ca](mailto:aadnc.estates-successions.aandc@canada.ca)

Regional Office Numbers – only for deceased 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

To apply to be appointed as the Estate Administrator, you will need to obtain (1) a copy of the Death Certificate and (2) a copy of the Application for Administration from your Regional Office. Once completed, send the Application for Administration to ISC. Due to the COVID-19 pandemic, some Regional Offices may be closed to walk-ins and there may be processing delays; timelines for processing estate matters vary by region.

When individuals contact ISC requesting to be appointed as an Estate Administrator, ISC may seek following information:

- your name and contact information (e.g., address, email, phone number);
- the full name, date of birth, date of death and registration number of the deceased (copy of the status card, if available);
- confirmation whether the deceased lived on or off reserve at the time of death;
- proof of death (see above); and
- confirmation whether the deceased had a will.

**Please note that provincial law governs estate appointments for deceased Claimants who lived in a First Nation community with a “modern treaty”.** Information on the provincial appointment process can be found in the below at Q3.

#### **Q4: What if the deceased Claimant lived off reserve and did not have a Will?**

The local Public Trustee Office may already be administering the deceased Claimant's estate. You may wish to contact them before taking further steps. That aside, if the deceased Claimant lived off reserve, and did not have a will, then a representative will need to be appointed as an administrator or estate trustee. The appointment of an administrator or estate trustee is a process governed by your local jurisdiction (i.e., provincial or territorial courts). Unless the deceased resided in the Province of Quebec, you will need to start the appointment process with the court.

If the deceased Claimant resided in the Province of Quebec, then the heirs must appoint a liquidator. Once appointed, the liquidator may submit a Claim Form along with the following documents:

1. Death Certificate;
2. [Certificate of Will search by Chamber of notaries](#);
3. [Certificate of Will search by Quebec Law Society](#); and  
one of the following:
4. Declaration of hereditary (sworn before a **notary**, lawyer or Commissioner of Oaths); **or**
5. A designation of a liquidator by the heirs (e.g. [Revenue Quebec form LM-14.1](#), BD-81.7 or BD-81.4-V)).

Please note that if a Will is disputed or an estate is contested by family members, the Claims Administrator may require additional documents, including a judgement issued by a superior court and a probated will.

If the deceased Claimant resided in the Province of Quebec and the Will or estate is under dispute, then the Claims Administrator requires a probate judgement issued by the Superior Court of Quebec or by a Notary authorized by law to probate Wills; in addition, the Will must be certified by the Superior Court of Quebec or by the Notary who probated the Will.

As Class Counsel for the McLean Day School Class Action, Gowling WLG's role is limited to assisting Claimants in applying for compensation. Gowling WLG does not handle any estate legal services related to the claims process. Prior to taking steps to with the court to be appointed as an administrator or estate trustee, you should seek independent legal advice.

Representatives of estates should begin the appointment process as soon as possible. The deadline to submit a [Claim Form](#) is July 13, 2022. If a Claimant passed away between July 31, 2007 and today, the estate of that person can submit a [Claim Form](#) on their behalf. If you have questions about the Claims process, please call us at [1-844-539-3815](tel:1-844-539-3815). Please note, however, that Gowling WLG does not provide estate legal services to representatives.

#### **Q5: Will Class Counsel assist with the depositing of funds in an estate claim?**

Class Counsel does not provide assistance in terms of depositing cheques made out to an estate. We strongly encourage individuals acting on behalf of a loved one to connect directly with their financial institution in order to set up an estate account if one does not already exist.

**Q6: Why might my financial institution prevent the depositing of funds in an estate claim?**

Banks require a complete legal document, naming you as the Executor or Administrator, before they can set up an account in the name of the estate in order to disburse funds. This will need to be done by the Estate Representative (Executor or Administrator): steps may include presenting valid ID, the death certificate, the Administrator Certificate or complete Will (which may need to be probated), appointing the Estate Representative as Administrator or Executor.

**Q7: What happens if the Will in an estate claim is incomplete?**

A bank may ask that the Will be probated to ensure the authority of an Estate Representative (Executor or Administrator) can be verified or appointed by court.

**Q8: Why might my financial institution hold the funds deposited by cheque?**

According to the Financial Consumer Agency of Canada, a financial institution might hold the funds you deposit by cheque for several reasons, including:

- to make sure that the cheque is drawn on a valid account and that the person or company issuing the cheque has the money to cover it.
- to make sure that the person or company issuing the cheque has not put a stop payment order on the cheque. (A stop payment order is placed on a cheque if, for some reason, the person or company issuing the cheque does not want it to be cashed.)

Contact your financial institution to find out about its policy on holding funds and the maximum amount of time it may hold the funds you deposit by cheque drawn on a foreign bank or financial institution. If you feel that a federally regulated financial institution is not respecting your rights, contact the Financial Consumer Agency of Canada toll-free at 1-866-461-3222.

**Legacy Fund**

**Q1: What is the Legacy Fund?**

The Settlement includes a \$200 million Legacy Fund to support commemoration projects, health and wellness programs, "truth-telling" events, and the restoration and preservation of Indigenous languages and culture.

**Q2: How do I apply for the Legacy Fund?**

Grants will be made from the McLean Day Schools Settlement Corporation to charities, not-for-profit organizations, and community-based organizations through a proposal-driven selection process. Organizations and charities will have to apply for these grants according to the guidelines and procedures put in place for the selection process. An organization that is provided with a grant will be responsible for carrying out the selected project in its community.

Please note that the McLean Day Schools Settlement Corporation is currently in its start-up phase and is working to develop the guidelines and procedures for organizations to follow in applying for grants under the Legacy Fund. More details about the Legacy Fund will become available after the Corporation has developed the applicable guidelines and procedures for Legacy Fund grant applications. The Corporation anticipates that it will be in a position to provide further guidance in Fall 2021; however, current timing is uncertain and subject to change as a result of COVID-19 developments.

**Opting Out**

**Q1: What happens if I chose to opt out of the Settlement?**

Opting out is a permanent decision. Those who chose to opt out will not receive compensation under this Settlement. They do, however, retain the right to bring their own action against Canada at their own cost for harms suffered while in a Federal Indian Day School or a Federal Day School should they wish to do so.

**Q2: What's the difference between objecting and opting out?**

Objecting is not the same as opting out. **If you objected to the Settlement you are still eligible for compensation.**

Opting out means choosing to remove yourself from the Class. Those who chose to opt out will not receive compensation under this Settlement. They will, however, retain the right to bring their own action against Canada at their own cost for harms suffered while in a Federal Indian Day School or a Federal Day School should they wish to do so.

**Q3: 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 Government of Canada, for harms you experienced at a school run by them.

**Q4: What if I have already started my own legal proceeding against Canada for harms I suffered while attending a Federal Indian Day School or 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 establishment, control, and management of Federal Indian Day School or Federal Day School and you did not discontinue it on or before the opt-out deadline (November 18, 2019), then you will be considered to have opted out of the Settlement under the *Federal Courts Rules*. You are not eligible to apply for compensation under this class action.