

## SETTLEMENT OF SIXTIES SCOOP CLASS ACTION

# Are you a Sixties Scoop survivor?

You may be eligible for compensation.

Please read this notice carefully.

The Ontario Superior Court and the Federal Court authorized this notice. This is not a solicitation from a lawyer.

- Survivors of the Sixties Scoop sued the Federal Government of Canada (“**Canada**”).
- The courts have now approved a settlement between the survivors and Canada that provides compensation for loss of cultural identity for certain survivors of the Sixties Scoop.

Your legal rights are affected even if you do nothing. Please read this notice carefully.

### **YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT**

**MAKE A CLAIM FOR MONEY:** You may make a claim for money. To do so, you must complete a Claim Form and send it to the Claims Administrator by **September 3, 2019**. A copy of the Claim Form is available at [sixtiesscoopsettlement.info](http://sixtiesscoopsettlement.info).

You do not need to pay a lawyer to complete the form. The administrator will help you fill out the form and there are lawyers you can speak with free of charge.

Also, if you do not have papers from the relevant provincial or territorial child service agency documenting your placement in care or documenting your status, you should still complete the Claim Form. The administrator will make the necessary record checks for you, as needed.

**OPT OUT:** If you do not want to be held by the terms of the settlement, you must opt out of the class action by **October 31, 2018**.

If you opt out, you will not be entitled to any money from the settlement, and your claim against Canada in respect of the Sixties Scoop will not be released. To opt out of the settlement, you must submit an Opt Out Form to the Claims Administrator by October 31, 2018. A copy of the Opt Out Form is available at [sixtiesscoopsettlement.info](http://sixtiesscoopsettlement.info).

- These rights and options and the deadlines to exercise them are explained in this notice.

## What This Notice Contains

### **BASIC INFORMATION**

1. Why did I get this notice?
2. What was the Sixties Scoop?
3. What is a class action?
4. What do the lawsuits complain about?
5. Why is there a settlement?

### **WHO IS INCLUDED IN THE SETTLEMENT?**

6. Who is included in the settlement?
7. What if I am not sure whether I am included in the settlement?

### **SETTLEMENT BENEFITS**

8. What does the settlement provide?
9. How will the lawyers be paid?
10. When will I receive my payment?
11. What am I giving up in the settlement?
12. Can I remove myself from the settlement?

### **HOW TO RECEIVE A PAYMENT**

13. How can I receive a payment?
14. How will payments be calculated?
15. What if my claim is denied?

### **THE LAWYERS REPRESENTING YOU**

16. Who are the lawyers for the Plaintiffs?

### **GETTING MORE INFORMATION**

17. How do I get more information?

## **BASIC INFORMATION**

### **1. Why did I get this notice?**

The Ontario Superior Court and the Federal Court authorized this notice to let you know about a settlement and about all of your options. This notice explains the lawsuit, the settlement, and your legal rights.

### **2. What was the Sixties Scoop?**

Between 1951 and 1991, Indian and Inuit children were taken into care and placed with non-Indigenous parents where they were not raised in accordance with their cultural traditions nor taught their traditional languages (the “**Sixties Scoop**”).

### **3. What is a class action?**

In a 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 (e.g. those who “opt out”).

The survivors of the Sixties Scoop that commenced the lawsuits are called the “**Representative Plaintiffs**.” The Federal Government of Canada is called “**Canada**”.

### **4. What do the lawsuits complain about?**

The lawsuits argue that Indian and Inuit children who were victims of the Sixties Scoop lost their cultural identity and, as a result, suffered psychologically, emotionally, spiritually and physically. They were also deprived of their status, their aboriginal and treaty rights and monetary benefits to which they were entitled pursuant to the Indian Act, RSC 1985, c I-5 and related legislation and policies.

### **5. Why is there a settlement?**

The Representative Plaintiffs and Canada have agreed to a settlement. By agreeing to the settlement, the parties avoid the costs and uncertainty of a trial as well as delays in obtaining judgment and compensation. Class Members receive the benefits described in this notice. In this case, it also means that the Class Members will not need to testify in court.

By settling this class action, the Representative Plaintiffs and Canada have also been able to create a foundation to enable change and reconciliation, which would not have been a possible outcome of a trial.

After hearing from those who support the settlement, as well as those who object to it, the courts found that the settlement is in the best interests of all Class Members.

## **WHO IS INCLUDED IN THE SETTLEMENT?**

### **6. Who is Included in the settlement?**

The settlement includes people who:

- are registered Indians (as defined in the Indian Act) and Inuit as well as people eligible to be registered Indians; and
- were removed from their homes in Canada between January 1, 1951 and December 31, 1991 and placed in the care of non-Indigenous foster or adoptive parents.

Those who meet the criteria above will be included in the settlement as “Class Members”. All Class Members, except those who validly opt out, are eligible for compensation.

In addition, all Class Members, except those who validly opt out, will be held to the terms of the settlement and covered by the releases in the settlement.

### **7. What if I am not sure whether I am included in the settlement?**

If you are not sure whether you are included in the settlement, you may call 1-(844)-287- 4270 with questions or visit [sixtiesscoopsettlement.info](http://sixtiesscoopsettlement.info) or email [sixtiesscoop@collectiva.ca](mailto:sixtiesscoop@collectiva.ca).

## **SETTLEMENT BENEFITS**

### **8. What does the settlement provide?**

**(a) Individual Compensation:** The settlement provides compensation to all Class Members who were adopted or made permanent wards and who were alive on February 20, 2009 (“**Eligible Class Members**”).

Canada has agreed to make payments to Eligible Class Members as follows:

- If fewer than 20,000 Eligible Class Members submit claims, each Eligible Class Member will receive an amount equal to \$500 million divided by the number of Eligible Class Members who submit claims, **to a maximum for \$50,000 per person.**
- If between 20,000 and 30,000 Eligible Class Members submit claims, each Eligible Class Member **will receive \$25,000.**
- If more than 30,000 Eligible Class Members submit claims, each Eligible Class Member will receive an amount equal to \$750 million divided by the number of Eligible Class Members who submit claims.
- If there are fewer than 20,000 claims by Eligible Class Members and the total amount paid to Eligible Class Members is less than \$500 million, the difference between the total amount paid to Eligible Class Members and \$500 million shall be paid to the Foundation.

More details are in a document called the Settlement Agreement, which is available at [sixtiesscoopsettlement.info](http://sixtiesscoopsettlement.info).

**(b) Foundation:** The settlement will also establish a foundation (the “**Foundation**”) to enable change and reconciliation. The mandate and governance of the foundation will be defined through a consultation process with survivors across the country. The work of the Foundation may focus on access to education, healing/wellness and commemoration activities for communities and individuals. The Foundation is

intended to bridge the generations and give meaning to suffering as well as to provide healing and reconciliation for all of those impacted by the Sixties Scoop – including those outside of the defined “Class.”

Canada has agreed to fund the Foundation in the amount of at least \$50 million to enable change and reconciliation.

### **9. How will the lawyers be paid?**

The courts approve the amount of fees payable to Class Counsel. The lawyers’ fees do not come out of the compensation fund for Class Members, but will be paid separately by the government.

### **10. When will I receive my payment?**

Eligible Class Members whose claims are approved will receive their payments after their claims are assessed. We estimate that Eligible Class Members will receive compensation by the spring of 2020, although it could take longer.

### **11. What am I giving up in the settlement?**

If you do not opt out of the settlement, you will give up your right to sue Canada for the claims being resolved by this settlement. You will be “releasing” Canada as described in the Settlement Agreement, which means you cannot sue Canada for anything at all related to the Sixties Scoop.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions, you can talk to the law firms listed in Question 16 (for free) or you can, of course, talk to your own lawyer if you have questions about what this means.

**Important Note:** The settlement does not interfere with any Class Member’s ability to pursue legal proceedings against provinces or territories or their agencies for physical, sexual, or psychological abuse suffered as a result of the Sixties Scoop.

### **12. Can I remove myself from the settlement?**

You can only remove yourself from the settlement (“opt out”) if you belong to the following group:

All Indian (as defined in the *Indian Act*) and Inuit persons who were removed from their homes in Canada between January 1, 1951 and December 31, 1991 and placed in the care of non-Indigenous foster or adoptive parents, other than Indian children who were taken from their homes on reserves in Ontario between December 1, 1965 and December 31, 1984 and were placed in the care of non-aboriginal foster or adoptive parents who did not raise the children in accordance with the aboriginal person's customs, traditions and practices.

Individuals who fall within this group may exclude themselves by filling out and submitting an Opt Out Form.

Opting out means you will not be held to any order made in this class action and will not be eligible for compensation. You will be able to hire and pay for your own lawyer and commence your own lawsuit against the Government of Canada if you wish. If you want to commence your own lawsuit against the Government of Canada, you must Opt Out. If you Opt Out, you must abide by all applicable limitation periods and should consult a lawyer.

To opt out of the settlement, you must submit an Opt Out Form to the Claims Administrator by October **31, 2018**. A copy of the Opt Out Form is available at [sixtiesscoopsettlement.info](http://sixtiesscoopsettlement.info).

Indian children who were taken from their homes on reserves in Ontario between December 1, 1965 and December 31, 1984 and were placed in the care of nonaboriginal foster or adoptive parents who did not raise the children in accordance with the aboriginal person's customs, traditions and practices have already had an opportunity to remove themselves from the class action.

## **HOW TO RECEIVE A PAYMENT**

### **13. How can I receive a payment?**

To ask for a payment you will need to complete and submit a Claim Form by **September 3, 2019**. All Claim Forms will be assessed by the Claims Administrator. Eligible Class Members will not need to testify in court.

You do not need to pay a lawyer to complete the form. The administrator will help you fill out the form and there are lawyers you can speak with free of charge.

You do need papers from the relevant provincial or territorial child service agency documenting your placement in care or documenting your status to apply.

Claim forms will be available at [sixtiesscoopsettlement.info](http://sixtiesscoopsettlement.info) or by calling 1-(844)-287- 4270 after the settlement is approved by the courts.

### **14. How will payments be calculated?**

The Claims Administrator will review your Claim Form and determine if you qualify for a payment. If you do, the Claims Administrator will determine the amount of your payment based on the total number of approved Claim Forms.

### **15. What if my claim is denied?**

If your claim is denied, you will receive notice and may request a reconsideration of your claim before the Reconsideration Officer. The Reconsideration Officer's decision is final.

## **THE LAWYERS REPRESENTING YOU**

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

The lawyers for the Plaintiffs are:

- Wilson Christen LLP and Morris Cooper of Toronto, Ontario <https://sixtiesscoopclaim.com/>

- Koskie Minsky LLP of Toronto, Ontario  
<https://kmlaw.ca/cases/federal-court-sixties-scoop-class-action/>
- Merchant Law Group of Regina, Saskatchewan  
<https://www.merchantlaw.com/class-actions/current-class-actions/indian-metisscoop-class-action>
- Klein Lawyers of Vancouver, British Columbia  
<https://www.callkleinlawyers.com/class-actions/current/aboriginal-sixties-scoop/>

These lawyers will provide advice and support to you for free.

## **GETTING MORE INFORMATION**

### **17. How do I get more information?**

This notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at [sixtiesscoopsettlement.info](http://sixtiesscoopsettlement.info).

You can send your questions to **Sixties Scoop Class Action**, c/o Collectiva Class Action Services Inc., 2170 René-Lévesque boulevard West, suite 200, Montreal (Quebec) H3H 2T8 or by email at [sixtiesscoop@collectiva.ca](mailto:sixtiesscoop@collectiva.ca). You may also call the toll free number 1-(844)- 287-4270.