

# The Indian residential schools settlement has been approved.

## Please read this detailed notice.

*This is a court authorized notice. This is not a solicitation from a lawyer.*

The Indian residential schools settlement has been approved by the Courts. Now, former students and their families must decide whether to stay in the settlement or remove themselves (opt out) from it. This notice describes the settlement benefits and how to get them for those who stay in, and it explains what it means to opt out and how to opt out. The settlement provides:

- At least \$1.9 billion for “common experience” payments for former students who lived at the schools;
- A process to allow those who suffered sexual or serious physical abuses, or other abuses that caused serious psychological effects, to get between \$5,000 and \$275,000 each—or more money if they can also show a loss of income; and
- To benefit former students and families: \$125 million to the Aboriginal Healing Foundation for healing programmes; \$60 million for truth and reconciliation to document and preserve the experiences of survivors; and \$20 million for national and community commemorative projects.

Family members who were not students will not get payments.

More details about these benefits are provided in the settlement agreement which is available by calling 1-866-879-4913, or going to [www.residentialschoolsettlement.ca](http://www.residentialschoolsettlement.ca).

YOUR OPTIONS NOW:	
<b>REQUEST A CLAIM FORM</b>	If you are a former student and want a payment from the settlement, and you never want to sue the Government of Canada or the Churches on your own, do not opt out; instead, call now to register and a claim form will be mailed to you after August 20, 2007. When it arrives, fill it out and return it.
<b>REMOVE YOURSELF (OPT OUT)</b>	If you don't want a payment, or you think you can get more money than the settlement provides by suing the Government or the Churches on your own, then you must remove yourself (opt out) by submitting an Opt Out Form postmarked by <b>August 20, 2007</b> .
<b>DO NOTHING</b>	Get no payment. Give up rights to sue.

These rights and options are explained in this notice. Please read carefully.

**Have a Lawsuit in Québec?** If you have your own residential schools lawsuit pending in Québec, the process is different - see question 30 and talk to your lawyer immediately about your options.

**QUESTIONS? CALL TOLL-FREE 1-866-879-4913 OR VISIT [WWW.RESIDENTIALSCHOOLSETTLEMENT.CA](http://WWW.RESIDENTIALSCHOOLSETTLEMENT.CA)**

## WHAT THIS NOTICE CONTAINS

<b>BASIC INFORMATION .....</b>	<b>PAGE 3</b>
1. Why was this notice issued?	
2. What is the lawsuit about?	
3. Why is this a class action?	
4. Why is there a settlement?	
5. What is the status of the settlement?	
<b>WHO IS COVERED BY THE SETTLEMENT.....</b>	<b>PAGE 3</b>
6. How do I know if I am part of the settlement?	
7. Are day students part of the settlement?	
8. Which schools are included?	
9. What if I have my own lawsuit against the Government and/or Churches?	
10. I'm still not sure if I'm included in the settlement.	
<b>THE SETTLEMENT BENEFITS—WHAT YOU GET .....</b>	<b>PAGE 4</b>
11. What does the settlement provide?	
12. Who can get a common experience payment (CEP)?	
13. What about families of former students?	
14. Will my social assistance benefits be affected if I take the CEP?	
15. Will the CEP be taxable?	
16. Can I get a payment if I previously brought an abuse claim?	
17. What about my abuse claim in the Government's ADR process?	
18. Who is eligible for the Independent Assessment Process (IAP)?	
19. Can I get a CEP if I also have an IAP claim?	
20. Will mental health and emotional support services continue?	
21. What am I giving up in exchange for the settlement benefits?	
<b>HOW TO GET A PAYMENT.....</b>	<b>PAGE 6</b>
22. How can I get a payment?	
23. What if I don't have records?	
24. When will I get a payment?	
25. What about advance payments on the CEP?	
<b>REMOVING YOURSELF (OPTING OUT) FROM THE SETTLEMENT .....</b>	<b>PAGE 7</b>
26. If I opt out, can I get money from this settlement?	
27. If I don't opt out, can I sue later?	
28. How do I opt out of the settlement?	
29. Can family members opt out of the settlement?	
30. What if I have a lawsuit pending in Québec?	
<b>THE LAWYERS.....</b>	<b>PAGE 8</b>
31. Do I have a lawyer in the case?	
32. Will I have to pay a lawyer to get a CEP?	
33. How will the lawyers be paid?	
34. Will I have to pay a lawyer to get an IAP payment?	
<b>IF YOU DO NOTHING .....</b>	<b>PAGE 8</b>
35. What happens if I do nothing at all?	
<b>GETTING MORE INFORMATION .....</b>	<b>PAGE 8</b>
36. How do I get more information?	

## BASIC INFORMATION

### 1. Why was this notice issued?

You have a right to know about a settlement of class action lawsuits and about your options. This notice explains the lawsuits, the settlement, and your legal rights. Multiple Courts in Canada, (the “Courts”) are overseeing all of the various lawsuits and class action lawsuits together known as *In re Residential Schools Class Action Litigation*. The “Defendants” are the Government of Canada (“Government”) and various church-related entities including: The General Synod of the Anglican Church of Canada, The Dioceses of the Anglican Church of Canada, The Presbyterian Church in Canada, The United Church of Canada, The Methodist Church of Canada, and various Catholic entities (together called the “Churches”).

### 2. What is the lawsuit about?

Residential schools were boarding schools for Aboriginal children that operated throughout Canada for over a century. Canada and religious organizations operated the schools. Harms and abuses were committed against the children. Various lawsuits were started against the Government, the Churches, and others, based on the operation and management of residential schools in Canada.

### 3. Why is this a class action?

In a class action one or more people called “class representatives” sue on behalf of people who have similar claims. All of these people are a “Class.” The courts resolve the issues for everyone affected; except for those who remove themselves (opt out) from the Class.

### 4. Why is there a settlement?

Both sides agreed to a settlement to avoid the delays, costs, and risks of trials. The AFN, the Government of Canada, the Churches, as well as the class representatives and the lawyers representing them think the settlement is best for former students and their families.

### 5. What is the status of the settlement?

Notices were issued in June, July, and August of 2006, and then hearings were held across Canada. The Courts considered all objections to the settlement and then approved it. Now, former students and their families must decide whether to remove themselves (opt out) from the settlement. Then, shortly after the opt out deadline of **August 20, 2007**, claim forms will be available for former students, and then payments to those who submit valid claim forms can begin. There is a chance that if too many people opt out, the settlement will not be implemented, and no payments will ever be issued.

## WHO IS COVERED BY THE SETTLEMENT?

There are approximately 80,000 living Aboriginal former students of the residential school system.

### 6. How do I know if I am part of the settlement?

The settlement includes former students of recognized residential schools in Canada and their family members. This includes Aboriginal people from First Nations, Inuit, Inuvialuit, and Métis communities. Those who resided at the schools and family members, including grandparents and grandchildren of former students, are all included in the settlement, but may be eligible for different benefits.

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## 7. Are day students part of the settlement?

If you attended during the day but did not live at a residential school you are not a Class member. However, if you were allowed to be on school grounds to take part in school activities you may be able to make a claim if you were abused. See question 18.

## 8. Which schools are included?

The list of recognized residential schools and hostels is available at [www.residentialschoolsettlement.ca](http://www.residentialschoolsettlement.ca) or by calling toll-free 1-866-879-4913. If you attended a residential school not on the list, you may ask that it be added. Submit the name of the school and any relevant information about it at the website or by writing to: Residential Schools Settlement, Suite 3-505, 133 Weber St. North, Waterloo, Ontario, N2J 3G9. The Government will research the proposed institution and determine whether it should be added to the list. If a school you suggest is not added, you may appeal that decision.

## 9. What if I have my own lawsuit against the Government and/or Churches?

You are included in this settlement even if you have a separate residential schools lawsuit. However, if you have a residential schools lawsuit currently pending in Québec see question 30 below. Read this notice carefully and talk to your lawyer as soon as possible to see how it will affect your rights to continue with your lawsuit.

## 10. I'm still not sure if I'm included in the settlement.

If you are not sure whether you are included, you may call 1-866-879-4913 with questions.

# THE SETTLEMENT BENEFITS—WHAT YOU GET

## 11. What does the settlement provide?

The settlement provides:

- **Common Experience Payment (“CEP”) Fund** – At least \$1.9 billion, plus interest, will be made available for lump sum payments to former students who lived at one of the residential schools. Payments will be \$10,000 for the first school year (or part of a school year), plus \$3,000 for each school year (or part of a school year) after that. If there is not enough money in the fund to pay all valid claims, the Government will add money to the fund. However, if there is any money remaining in the CEP fund after all valid claims are paid: (1) if the amount is less than \$40,000,000, all of the remaining money will be given to the National Indian Brotherhood Trust Fund and to the Inuvialuit Education Foundation for educational programmes for all First Nations, Inuit, Inuvialuit, and Métis people; (2) if the amount is greater than \$40,000,000, former students who submit valid claim forms will get an equal share of “Personal Credits,” not cash, up to a maximum of \$3,000. These credits can be used for personal, family, or group education services. Any balance remaining in the CEP fund after paying the Personal Credits will be paid to the National Indian Brotherhood Trust Fund and to the Inuvialuit Education Foundation for educational programmes for former students and their families.
- **Independent Assessment Process (“IAP”)** – A new independent assessment process (replacing the Government’s ADR process - see question 17) allows those who suffered sexual or serious physical abuses, or other abuses that caused serious psychological effects, to qualify for between \$5,000 and \$275,000 each. More may be awarded if you also show a loss of income. Altogether, the maximum IAP amount is \$430,000. Awards are based on a point system for different abuses and

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resulting harms. The more points the greater the payment. There is a review process if you don't agree with the amount granted to you. Up to \$15,000 for future care is available, and a contribution of 15% of the total award to help with legal costs is also available.

- **Healing Fund** – \$125 million will be given to the Aboriginal Healing Foundation for a five year period to fund healing programmes for former students and their families. This is in addition to the \$390 million that the Government has previously funded to establish the Aboriginal Healing Foundation for the benefit of both living former students and the families of deceased students.
- **Truth and Reconciliation Fund** – \$60 million to research, document, and preserve the experiences of the survivors and their families for future generations.
- **Commemoration Fund** – \$20 million for national and community commemorative projects.

More details are in a document called the [Settlement Agreement](#) which is available at [www.residentialschoolsettlement.ca](http://www.residentialschoolsettlement.ca) or by calling 1-866-879-4913.

## 12. Who can get a common experience payment (CEP)?

All former students who lived at a residential school and who were alive on May 30, 2005, are eligible for a CEP. Also, any former student who attended the Mohawk Institute Residential Boarding School in Brantford, Ontario between 1922 and 1969, and was alive on October 5, 1996, is also eligible for a CEP.

## 13. What about families of former students?

Family members of residential school students will not receive payments unless the student recently died (see question 12). However, family members will be able to take advantage of the healing, education and other programmes funded by the settlement.

## 14. Will my social assistance benefits be affected if I take the CEP?

The Government is working with provincial and territorial governments, and federal departments to try to ensure that any payment you receive will not affect the amount, nature, or duration of any social benefits or social assistance benefits received by former students.

## 15. Will the CEP be taxable?

No. The Government has determined that CEP payments will not be taxable.

## 16. Can I get a payment if I previously brought an abuse claim?

Yes, even if you already won, lost, or settled an abuse claim, either in court, by negotiation, or under the Government's alternative dispute resolution ("ADR") process, you are still eligible for a CEP and it's possible that you may qualify for additional money under the new IAP. Check with your lawyer.

## 17. What about my abuse claim in the Government's ADR process?

Since the settlement was approved by all the Courts, all applications to the current ADR process have ended. Anyone who applied to the ADR process before March 22, 2007, now has a choice to continue in the ADR process or apply to the IAP. More detailed information on the IAP is in Schedule D of the Settlement Agreement which is available at [www.residentialschoolsettlement.ca](http://www.residentialschoolsettlement.ca).

## 18. Who is eligible for the Independent Assessment Process (IAP)?

If you suffered sexual or serious physical abuse, or other abuses that caused serious psychological effects, you may be eligible if: (a) you are a former student who attended and lived at a residential school; or (b) you were invited to take part in an authorized school activity (while under the age of 21) even if you did not live at a school. You may need a lawyer to help you with an IAP claim.

## 19. Can I get a CEP if I also have an IAP claim?

Yes. CEP payments are in addition to any payments for serious abuse claims under the IAP.

## 20. Will mental health and emotional support services continue?

Yes, the settlement provides that mental health and emotional support services will be available to CEP recipients and to those former students resolving abuse claims through the IAP, as well as those participating in truth and reconciliation, or commemorative projects. Call 1-866-925-4419.

## 21. What am I giving up in exchange for the settlement benefits?

All former students and family members who do not remove themselves (see “Removing Yourself from the Settlement” below) will be releasing the Government and the Churches, and all related people and entities, from all legal claims pertaining to residential schools. The “released” claims are described in Article 11, starting on page 58, of the Settlement Agreement available at [www.residentialschoolsettlement.ca](http://www.residentialschoolsettlement.ca) or by calling 1-866-879-4913. The full Settlement Agreement describes the released claims with specific descriptions, in necessarily accurate legal terminology, so read the whole thing carefully, and talk to a lawyer if you have questions about the released claims or what they mean. The lawyers involved in the settlement are listed at [www.residentialschoolsettlement.ca](http://www.residentialschoolsettlement.ca).

# HOW TO GET A PAYMENT

## 22. How can I get a payment?

If you are a former student just call 1-866-879-4913 or go to the website and register to have a claim form mailed to you. Claim forms will be mailed after August 20, 2007. When the claim form arrives, fill it out and send it back.

## 23. What if I don't have any records?

Don't worry. When you get the claim form, fill it out and send it back. The Government will use all the school records it has to verify your claim. If more information is needed, you may be contacted.

## 24. When will I get a payment?

The legal process is moving as fast as possible. First former students and their families have until **August 20, 2007**, to remove themselves from the settlement. After that, claim forms will be mailed to former students who request one after seeing this notice. After you return your completed claim form, it will be processed promptly, and if you are eligible, a payment will be issued. Please be patient, and check [www.residentialschoolsettlement.ca](http://www.residentialschoolsettlement.ca) for updates.

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## 25. What about advance payments on the CEP?

As of December 31, 2006, the Government is no longer accepting applications for the Advance Payment Program. **Important:** if you received an advance payment you will still need to fill out a claim form to get the full CEP payment you are eligible for.

## REMOVING YOURSELF (OPTING OUT) FROM THE SETTLEMENT

If you don't want a payment, or you think you can get more money than the settlement provides by suing on your own, then you must take steps to remove yourself. This is called opting out.

## 26. If I opt out, can I get money from this settlement?

No. If you opt out you will not get any settlement payment—no CEP and no IAP money. You will not be bound by anything that happens in this settlement. Your only option will be to sue the Government or the Churches, on your own. You will only keep your rights to do that if you opt out. Please check with a lawyer before opting out.

## 27. If I don't opt out, can I sue later?

No. By staying in the settlement, you give up the right to sue the Government, the Churches, or any Defendant in the class actions, over anything to do with residential schools. You must opt out from *this* Class to start your own lawsuit. Remember, the opt out deadline is **August 20, 2007**.

## 28. How do I opt out of the settlement?

To remove yourself, you must send in an Opt Out Form. You can get one at [www.residentialschoolsettlement.ca](http://www.residentialschoolsettlement.ca). You must mail your Opt Out Form postmarked by **August 20, 2007** to: Residential Schools Opt Outs, Suite 3-505, 133 Weber St. North, Waterloo, Ontario, N2J 3G9. Keep a copy of your completed Opt Out Form.

## 29. Can family members opt out of the settlement?

Yes, family members can opt out of the settlement. Family members who opt out will not be bound by anything that happens in this settlement; however the only option they will have is to sue the Government or the Churches, on their own.

## 30. What if I have a lawsuit pending in Québec?

The process is quite different if you have a residential schools lawsuit going on in Québec. You must stop *that* lawsuit before **August 20, 2007**, or else you will automatically be removed (opted out) from *this* settlement and you won't get a payment from this settlement. Check with your lawyer right away.

## THE LAWYERS

### 31. Do I have a lawyer in the case?

The Court website, [www.residentialschoolsettlement.ca](http://www.residentialschoolsettlement.ca), lists the law firms that signed onto the settlement, representing former students and family members. If you want to, you may contact one of the lawyers on the list for advice.

### 32. Will I have to pay a lawyer to get a CEP?

You don't need to hire and pay a lawyer to submit a claim to get a CEP. The lawyers on the list at the website have agreed not to charge a fee to help their clients apply for a CEP. Please note that they are not obligated to represent new clients. But, if you have already hired a lawyer, ask if he/she will help you get a CEP without charging you a fee—he/she may be required to do so.

### 33. How will the lawyers be paid?

The Government will pay the lawyers listed at the website for their work on the settlement. These payments to the lawyers will not reduce the money available for former students.

### 34. Will I have to pay a lawyer to get an IAP payment?

You may hire a lawyer to help you make a claim under the IAP for a serious abuse. The IAP process can be complex and you should have a lawyer assist you. Lawyers, who may include the same lawyers listed at the website, will charge you additional fees for any IAP payment you get. If you are represented by a lawyer, your IAP payment will be adjusted by the Government to provide an extra 15% towards any fee a lawyer may charge you, but you must pay anything beyond that, up to an additional 15%, plus taxes.

## IF YOU DO NOTHING

### 35. What happens if I do nothing at all?

If you don't remove yourself before **August 20, 2007**, you can't sue the Defendants about residential schools on your own, ever again. Payments are not automatic. If you never fill out and submit a claim form after it becomes available; you'll get no money from this settlement. There will be a four-year period to submit a claim form. The claim form will identify the deadline.

## GETTING MORE INFORMATION

### 36. How do I get more information?

This notice summarizes the settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at [www.residentialschoolsettlement.ca](http://www.residentialschoolsettlement.ca) or by calling 1-866-879-4913. You may also call, or write with questions to Residential Schools Settlement, Suite 3-505, 133 Weber St. North, Waterloo, Ontario, N2J 3G9.

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