

Indian Residential Schools Day Scholars Frequently Asked Questions (FAQ)

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Introduction

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

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

Claims Administrator, Deloitte LLP: If you have questions about the Claim Form, Claims process, or to report an address change after submitting your Claim, contact the Claims Administrator Call Centre at 1-877-877-5786, or visit www.dayscholarsclaims.com.

Call Centre agents at the Claims Administrator Call Centre are available to communicate in English and French, however upon request, the Claims Administrator Call Centre can also offer a call back in Cree, Ojibwe, or Inuktitut.

Class Counsel, John Kingman Philips, Peter R. Grant, Diane Soroka and W. Cory Wanless: If you need help determining if you can apply and are eligible for this Class Action, please contact the Class Counsel team at no cost, by call 1-888-222-6845, by email at dayscholars@waddellphillips.ca, or by visiting www.justicefordayscholars.com.

Hope for Wellness Help Line: If you are experiencing emotional distress and want to talk, free counselling and crisis intervention services are available 24 hours a day, 7 days a week, through the National Indian residential Schools Crisis Line at 1-866-925-4419 or Hope for Wellness Hotline at: 1-855-242-3310, or online at www.hopeforwellness.ca

About the Indian Residential Schools Day Scholars

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

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

2. What is the Indian Residential Schools Day Scholars Class Action and Settlement about?

This class action called Gottfriedson v. Canada is about the claims of Day Scholars, students who attended Indian Residential Schools during the day only and did not sleep there overnight. The lawsuit asserted that the purpose, operation, and management of Indian Residential Schools destroyed the Class Members’ language

and culture, violated their cultural and linguistic rights, and caused psychological harm.

The Class Action sought compensation for Survivors who say they were harmed as a result of their attendance at Indian Residential Schools as Day Scholars. The class action also sought compensation for Descendants and Bands who say they too were harmed as a result of Survivors' attendance as Day Scholars at Indian Residential Schools and Indian Residential School policy.

3. What is the settlement?

The settlement applies to the Day Scholar Survivor Class (students who attended Indian Residential Schools as Day Scholars), and the Descendant Class (the natural or adopted children of Survivor Class Members). The Band Class claim is continuing on to trial. The settlement includes a \$10,000 individual compensation for each eligible Day Scholar who attended an Indian Residential School during the day only (but did not sleep there overnight) and was alive as of May 30, 2005. In cases where the Day Scholar died on or after May 30, 2005, their estate administrator, executor, trustee, liquidator, or if none is appointed, their highest priority living heir, may be able to apply for compensation on their behalf. The settlement also includes a \$50 million Day Scholars Revitalization Fund to be used to support healing, wellness, education, language, culture, heritage, and commemoration for the benefit of the Survivor and Descendant Classes. The funds will be administered by a non-profit society that is independent of Canada and Class Counsel. Canada or Class Counsel will not make decisions on who receives funding through the Day Scholars Revitalization Fund. Day Scholars and their children will be able to apply for grants to access the money in Society. The class action and settlement are not about sexual or serious physical abuse endured by students at Indian Residential Schools. Day Scholars were eligible to apply for compensation for sexual or serious physical abuse endured at Indian Residential Schools through the Independent Assessment Process of the Indian Residential Schools Settlement Agreement. This class action and settlement are not about Federal Indian Day Schools. Claims regarding Federal Indian Day Schools are part of the McLean Federal Indian Day Schools Class Action. You can find out more about the settlement in that class action at <https://indiandayschools.com/en/>.

4. Does this Settlement impact the Band Class claim?

The settlement does not include the Band Class. Nothing in the settlement will affect the Band Class claim, which is moving forward to trial. To learn more about the Band Class process, visit www.bandreparations.ca.

5. Who is included in this Settlement?

Former students who attended Indian Residential Schools during the day and did not live at school are called Day Scholars. All Day Scholars who attended an Indian

Residential School during the day only, for part of, or all of a school year, are included in this Settlement. These students are called Survivor Class Members.

To be eligible for compensation as a Survivor Class Member, the Claimant must have attended at least one of the identified Indian Residential Schools, during the day, at the time that it was operated as an Indian Residential School. For a list of Indian Residential Schools that had or might have had Day Scholars, please see <https://www.justicefordayscholars.com/schools-lists/> or [Schedule E](#).

In cases where a Day Scholar has died on or after May 30, 2005, a claim can be submitted on behalf of a deceased Day Scholar by the estate Executor/Administrator/Trustee/Liquidator, or if there is no estate Executor/Administrator/Trustee/Liquidator, the highest priority living heir.

Please see the "Estates Claim Process for Compensation" section below for more information.

Children of Day Scholars, also known as the Descendant Class, will be able to apply for funding from the \$50 million Day Scholars Revitalization Fund related to healing, wellness, education, language, culture, heritage, and commemoration. The Day Scholars Revitalization Society (the "Society") which will administer the Fund is currently being established. Information regarding when the Society will start receiving applications for funding will be posted at <https://www.justicefordayscholars.com/the-day-scholars-revitalization-fund/> when available.

6. Who are the lawyers representing Class Members?

The lawyers representing Class Members are called Class Counsel. The Class Counsel for this class action are Peter R. Grant, John Kingman Phillips, Diane Soroka, and W. Cory Wanless.

There is no charge to speak to Class Counsel. You may contact the Class Counsel team at:

| Waddell Phillips Professional Corporation – Day Scholars Class Action | |
|---|--|
| Mail | Waddell Phillips Professional Corporation; 36 Toronto Street, Suite 1120; Toronto, ON M5C 2C |
| Email | dayscholars@waddellphillips.ca |
| Phone | 1 (888)-222-6845 |

7. Are there any fees or costs associated with participating in this Settlement and receiving compensation?

No. There are no legal fees or costs associated with applying for compensation.

Eligibility

8. Who is eligible for the Settlement?

Each Survivor Class Member (also known as Day Scholars) who attended an Indian Residential School during the day only (but did not sleep there overnight) is eligible to apply for \$10,000 Day Scholar Compensation Payment.

In cases where the Day Scholar died on or after May 30, 2005, the deceased Day Scholar's estate executor/administrator/trustee/liquidator or if there is none, the highest priority living heir may apply for the Day Scholar Compensation Payment.

A list of Residential School is found at [Schedule E](#).

School Year means September 1 of one calendar year to August 31 of the subsequent calendar year.

9. I am not sure if I attended an "Indian Residential School" or an "Indian Day School". What should I do?

Please check the school lists for both class actions to confirm which settlement(s) you may be eligible for.

The lists of Indian Residential Schools covered by the Indian Residential Schools Day Scholars Class Action can be found in [Schedule E](#) or at <https://www.justicefordayscholars.com/schools-lists/>.

The list of schools covered by the Federal Indian Day Schools Settlement can be found on [Schedule K](#) on the Claim Administrator's (Deloitte LLP) website.

10. Can I be eligible for this Settlement if I attended a Federal Indian Day School and/or an Indian Residential School as a resident?

If you qualify, you may be eligible to receive compensation from all three settlements:

1. the Common Experience Payment of the Indian Residential Schools Settlement Agreement
2. the Federal Indian Day Schools Settlement
3. the Indian Residential Schools Day Scholars Settlement

However, if there is any overlap in attendance within a School Year, you will only receive compensation for one of the settlements for that School Year.

A "School Year" means September 1 of one calendar year to August 31 of the subsequent calendar year.

Example#1: You attended two schools in the same School Year

1. From September 1952 to December 1952 you attended an Indian Day School.
 2. From January 1953 to August 1953 you attended an Indian Residential School as a Day Scholar.
- You will only be eligible for compensation from one settlement for that School Year, September 1952 – August 1953.

Example#2: You attended two schools in two different School Years

1. From September 1961 to August 1962 you attended an Indian Day School.
 2. From September 1962 to August 1963 you attended an Indian Residential School as a Day Scholar.
- You attended two different schools in two different School Years and may be eligible to receive compensation from both the Indian Day Schools Settlement as well as the Indian Residential Schools Day Scholars Settlement.

If you attended both an Indian Day School and an Indian Residential School as a Day Scholar, please contact Class Counsel to discuss the best course of action.

Indian Residential Schools Day Scholars – Class Counsel (Waddell Phillips) Contact: dayscholars@waddellphillips.ca or 1-888-222-6845.

11. How long would someone have had to attend an Indian Residential School as a Day Scholar to qualify?

Any attendance at an Indian Residential School as a Day Scholar during a school year makes you eligible for this Settlement, no matter how short.

12. Am I eligible if I attended an Indian Day School during the day but lived in a hostel at night?

This Settlement is for students who attended an Indian Residential School during the day and returned home at night only. You are not eligible for this claim if you attended an Indian Day School during the day and lived in a hostel at night. However, you may be eligible for the Federal Indian Day Schools Settlement. Please visit the website below to learn more about the Federal Indian Day Schools Settlement and to see the list of schools it covers:

Class Counsel (Gowling WLG) website: <https://indiandayschools.com/en/>

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

If you are not sure whether you are included in the Settlement, you may contact Class Counsel by calling the toll free phone number: 1 (888) 222-6845 or by email at dayscholars@waddellphillips.ca.

If you have questions about the class action and administration process, you may contact the Administrator by calling the toll-free phone number:

1-877-877-5786 or by visiting www.dayscholarsclaims.com.

Call Centre agents at the Claims Administrator Call Centre are available to communicate in English and French, however upon request, the Claims Administrator Call Centre can also offer a call back in Cree, Ojibwe, or Inuktitut.

14. Can I apply on behalf of a deceased Day Scholar?

This settlement ensures that any Day Scholar who was alive as of May 30, 2005, is included. If your loved one passed away after that date, and attended one of the Indian Residential Schools listed in Schedule E as a Day Scholar, their estate administrator/executor/trustee/liquidator, or if none is appointed, their highest priority living heir, can apply for compensation.

To learn more about how to apply on behalf of a deceased Day Scholar's estate, please see "Estates Claim Process for Compensation" below. You can also find more information regarding the Estate process and accepted documents in the Estate Guide.

Settlement Approval Process

15. Can I remove myself from the Settlement?

The deadline to remove yourself or opt out of this class action was November 30, 2015. You are no longer able to remove yourself from the Settlement.

16. What is the impact of the Settlement on my legal rights?

The Settlement was approved on September 24, 2021. This means that Day Scholars and their Descendants who did not opt out can no longer sue Canada for any harm or damage due to their own, or their parents' attendance as a Day Scholar at any Indian Residential Schools.

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

Compensation

17. What does the Settlement include in terms of compensation?

The Settlement includes a \$10,000 individual compensation for each eligible Day Scholar who attended an Indian Residential School during the day only (but did not sleep there overnight) and was alive as of May 30, 2005. In cases where the Day Scholar died on or after May 30, 2005, their estate administrator, executor, trustee, liquidator, or if none is appointed, their highest priority living heir, may be able to apply for compensation on their behalf.

The Settlement also includes a \$50 million Day Scholars Revitalization Fund to be used to support healing, wellness, education, language, culture, heritage, and commemoration for the benefit of the Survivor and Descendant Classes. The funds will be administered by a non-profit society that is independent of Canada and Class Counsel. Canada or Class Counsel will not make decisions on who receives funding through the Day Scholars Revitalization Fund.

Information regarding when the Society will start receiving applications for funding will be posted at <https://www.justicefordayscholars.com/the-day-scholars-revitalization-fund/> when available.

A. Who are Eligible Class Members?

The Settlement is for each Day Scholar who attended an Indian Residential School during the day only (but did not sleep there overnight) and is eligible to apply for a \$10,000 Day Scholar Compensation Payment.

In cases where a Day Scholar died on or after May 30, 2005, a claim can be submitted on behalf of a deceased Day Scholar by the estate Executor/Administrator/Trustee/Liquidator, or if there is no estate Executor/Administrator/Trustee/Liquidator, the highest priority living heir.

For a list of Indian Residential Schools which had, or might have had Day Scholars, please see [Schedule E](#) or <https://www.justicefordayscholars.com/schools-lists/>. The list of Indian Residential Schools that had, or could have had Day Scholars, and that are included in the settlement can also be found in the Long Form Notice.

The full list is divided into two:

- List 1, includes Indian Residential Schools confirmed to have had Day Scholars; and

- List 2, includes Indian Residential Schools not known to have had Day Scholars

Survivor and Descendant Class Members (the natural or adopted children of Survivor Class Members) are also eligible to apply for funding from the [Day Scholars Revitalization Fund](#) to support healing, wellness, education, language, culture, and commemoration.

B. What is the amount of individual compensation available to Eligible Class Members?

The settlement includes a \$10,000 individual compensation payment for each eligible Day Scholar who attended an Indian Residential School during the day only (but did not sleep there overnight) and was alive as of May 30, 2005.

C. How can I apply to receive compensation?

Survivor Class Members (also known as Day Scholars) will be required to apply to Deloitte LLP (the "Claims Administrator") before the Deadline on October 4, 2023 in order to receive compensation. This can be done at www.dayscholarsclaims.com. Please see "Claims Process" below on more information on how to apply for compensation.

18. What is the Day Scholars Revitalization Fund?

Under the Settlement Agreement, Canada will provide \$50 million in the form of the Day Scholars Revitalization Fund to support Survivors and their Descendants in healing, wellness, education, language, culture, heritage, and commemoration activities and programs.

19. How will the Day Scholars Revitalization Fund be managed?

The Fund will be managed by the Day Scholars Revitalization Society (the "Society"). This Society will be a not-for-profit society that is independent of Canada. Day Scholars and their children will be able to apply to access money for activities related to healing, wellness, education, language, culture, heritage, and commemoration activities and programs.

The Society will have between 5 and 11 directors who have not been selected as of yet. One of those directors will be selected by Canada but will not be a Government employee. Other directors will be chosen to ensure regional representation from across Canada.

The directors will be guided by an Advisory Board consisting of individuals appointed by the directors, who will provide regional representation, understanding, and knowledge of the loss and revitalization of Indigenous languages, cultures, wellness, and heritage. This Advisory Board will advise the directors on all activities of the

Society as well as determining successful grant applications. More information will be posted at <https://www.justicefordayscholars.com/the-day-scholars-revitalization-fund/> as it becomes available.

Claims Process

20. What is the application process?

The Claims Process is designed to be simple and easy for people to use. It will avoid re-traumatizing Survivors and aim to minimize any burden on Survivors. Most Claimants will only need to fill out one simple Claim form. No additional information regarding their experiences at an Indian Residential School will be required. No other supporting documents will be required.

If you attended at least one Indian Residential School as a Day Scholar, you will complete a form identifying the Indian Residential School attended along with years or age of attendance.

If you attended an Indian Residential School which was not known to have Day Scholars, you will also need to provide a formal Statutory Declaration confirming that you were a Day Scholar, along with information about where you lived while attending that Indian Residential School as a Day Scholar. More details related to completing a Statutory Declaration can be found in the [Survivor Claim Form Guide](#) or [Estate Claim Form Guide](#).

If you are applying on behalf of a deceased Day Scholar who died on or after May 30, 2005, you must complete an Estate Claim form. You may apply on behalf of the Estate, and if none, as the highest priority living heir. More information regarding the Estate Claims process can be found in the "[Estates Claim Process for Compensation](#)" section below or in the [Estate Claim Form Guide](#).

All Claims must be submitted to the Claims Administrator before the deadline of October 4, 2023.

The claims process is intended to be quick, user-friendly, culturally sensitive, and trauma informed. The Claims Administrator and Independent Reviewer will draw all reasonable and favourable inferences that can be made in favour of the Claimant and assume that the Claimant is acting honestly and in good faith. The Independent Reviewer's role is explained at "[Who is the Independent Reviewer and what is their role?](#)".

21. Where can I get the Claim Form for this Settlement?

To access the Claim Form for this settlement, please visit the Claims Administrator's Website to download a copy OR complete and submit an electronic form on: www.dayscholarsclaims.com

There are two Claim Forms for this Settlement. One is for living Day Scholars (Survivor Claim Form) and the other for the Estate or highest priority living heir applying on behalf of the deceased Day Scholar (Estate Claim Form).

If you do not have access to the internet, you can request a copy be mailed to your address by calling the Administrator at 1-877-877-5786.

22. What documents do I need to support my Claim?

If you attended an Indian Residential School known to have Day Scholars, you will only need to complete a Claim form (or an Estate Claim form if the Day Scholar died on or after May 30, 2005)

If you attended an Indian Residential School not known to have Day Scholar, in addition to the above, you will need to provide a Statutory Declaration with the following information:

- Who you lived with while you were a Day Scholar at the Indian Residential School, and
- Where you lived while attending the Indian Residential School

No further documentation will be required to make a Claim, beyond this Statutory Declaration.

More details related to the Claims Process can be found in the [Survivor Claim Form Guide](#) or [Estate Claim Form Guide](#).

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

A photocopy of the front of any one piece of your current government issued identification (ID) (e.g. issued by a Federal, Provincial, Territorial or First Nations government) must be submitted as part of your claim package.

Acceptable ID: one of the following cards issued to you:

- Driver's Licence (or Operator's Licence, in some provinces)
- Provincial/Territorial Photo Card
- Passport
- Certificate of Indian Status (Indian Status does not expire. Your registration number confirms your status.)
- Secure Certificate of Indian Status (Indian Status does not expire. Your registration number confirms your status.)
- Land Claim Beneficiary Card (including NTI Enrolment Card)
- Social Insurance Number Card (Paper or Card)
- Birth Certificate
- Old Age Security (OAS) Identification Card
- Firearms Possession and Acquisition Licence (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
- Northwest Territories Employee ID Card
- Prison/Correctional ID
- First Nations/Indigenous Government ID

Not acceptable ID:

- Any cards issued by the city/municipality/region (e.g. Library Card) or other organization are not eligible Federal or Provincial/Territorial government-issued ID.

24. What if I don't have any government-issued identification (ID)?

If you do not have any government issued identification, you must complete the **Statutory Declaration** page at the end of the claim package, where you will declare that you do not have a piece of government issued ID and are therefore providing this Statutory Declaration.

This statement must be witnessed and signed by that Witness.

25. Who can sign the missing ID Statutory Declaration as an eligible Witness?

The following individuals may act as a Witness and sign the Statutory Declaration:

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

26. How can I apply for compensation as a Personal Representative on behalf of a living Day Scholar who is under disability?

If you are the legally appointed personal representative who is making a claim on behalf of a living Day Scholar who is under disability, you must complete a Survivor Claim Form. Please ensure to also complete the "Personal Representative Information" section of this Claim Form with your information.

To submit a Claim as the Personal Representative on behalf of a living Day Scholar, you will need to provide the following supporting documents:

1. A photocopy or photograph of any one piece of your current government issued identification (ID) (e.g. issued by a Federal, Provincial, Territorial or First Nations government). This can include any of the following:
 - Driver's Licence (or Operator's Licence, in some provinces)
 - Provincial/Territory Photo Card
 - Passport
 - Certificate of Indian Status (Indian Status does not expire. Your registration number confirms your status.)
 - Secure Certificate of Indian Status (Indian Status does not expire. Your registration number confirms your status.)
 - Land Claim Beneficiary Card (including NTI Enrolment Card)
 - Social Insurance Number Card (Paper or Card)
 - Birth Certificate
 - Old Age Security (OAS) Identification Card
 - Firearms Possession and Acquisition Licence (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
 - Northwest Territories Employee ID Card
 - Prison/Correctional ID
 - First Nations/Indigenous Government ID
2. A photocopy or photograph of the legal document proving your status as a Personal Representative. This can include any of the following:
 - The Day Scholar's signed power of attorney or protection mandate; OR
 - A Provincial/Territorial court appointment order.

Note that when attaching personal representative's documents, the name of the personal representative must match the Personal Representative's ID.

27. Who can make a claim on behalf of a deceased Day Scholar?

A claim for the \$10,000 Day Scholar compensation can be made on behalf of an eligible Day Scholar, if the Day Scholar has passed away on or after May 30, 2005. In cases whether the deceased Day Scholar's estate has an executor, administrator, trustee or liquidator (generally because one was named in a will, or appointed by a court), only that person may make a claim on behalf of the estate.

If there is no estate executor, administrator, trustee or liquidator, the highest priority living heir can make a claim. The priority level of heirs follows the distribution of property in cases where someone dies without a will under the Indian Act, and is as follows (from highest to lowest priority):

1. surviving spouse;
2. common-law partner or de facto partner;
3. children;
4. grandchildren;
5. parents;
6. siblings;
7. children of siblings

In cases where there is more than one heir of the same priority level, those heirs must choose one person to make the claim on behalf of all of them. When people are applying on behalf of a loved one who has died on or after May 30, 2005, they must complete an Estate Claim Form. More information on the Estate Claims Process and priority of claims can be found in the [Estate Claim Form Guide](#). In all cases, Claimants are required to submit the Claim Form to the Claims Administrator before the claims deadline on October 4, 2023.

28. What documents are required to make Claims on behalf of a deceased Day Scholar?

If you are applying on behalf of a deceased Day Scholar who died on or after May 30, 2005, some additional documents will be required. The documentation required will depend on whether the Claim is brought by a formal estate Administrator/Executor/Trustee/Liquidator, or by the heirs directly.

Estate

1. You must provide a photocopy or photograph of **all pages** of the legal document that names you as the estate's Administrator/Executor/Trustee/Liquidator. These could include one of the following:

- the deceased Day Scholar's Will; or
- a court order from a Provincial/Territorial court; or
- a Grant of Administration from a Court or INAC/CIRNAC/ISC

For Quebec:

- a notarial Will recorded and registered by a notary; or

- a judgment from a Quebec Court probating the Will; or
 - a Grant of Administration from a Court or INAC/CIRNAC/ISC
 - a Designation of a Liquidator by the Heirs which has been registered in the Register of personal and movable real rights (RDPRM)
2. A photocopy or photograph of the deceased Day Scholar's death certificate. If you don't have a copy of their death certificate, you can attach a photocopy or photograph of another document that shows their Date of Death such as a funeral director's statement of death or burial certificate.

Highest Priority Living Heir

1. A photocopy or photograph of the deceased Day Scholar's death certificate. If you don't have a copy of their death certificate, you can attach a photocopy or photograph of another document that shows their Date of Death such as a funeral director's statement of death or burial certificate.
2. A photocopy or photograph of evidence of your relationship to the deceased Day Scholar. Please see the [Estate Claim Form Guide](#) which explains what kind of documents you can use. If you do not have evidence of your relationship to the deceased Day Scholar, you must complete the Statutory Declaration.
3. Provide a photocopy or photograph of your government ID.
4. (If applicable) If there are living heirs of equal priority, you need to obtain their consent by each of them completing a Consent Form on Page 10 of the Estate Claim Form.

Further details about the Estate Claims process can be found in the "[Estate Claims Process for Compensation](#)" section below or the [Estate Claim Form Guide](#).

29. Can I provide additional information for my claim after it has been submitted?

The Claims Process is designed for Claimants to submit their Claim Forms only once and to receive their payments as quickly as possible. There is no requirement to provide additional information once the Claim has been submitted. The Claims Administrator will review each Claim for completeness and if any information appears to be missing, the Claims Administrator will contact you and request the missing information.

If you have an address change after submitting your Claim, contact the Claims Administrator at 1-877-877-5786.

30. Why are there two lists of Indian Residential Schools?

There are two lists of schools provided in Schedule E.

1. **List 1** includes Indian Residential Schools confirmed to have had Day Scholars.

2. **List 2** includes Indian Residential Schools not known to have had Day Scholars.

If you are making a Claim on behalf of a deceased Day Scholar's Estate, please check both lists to see if you are eligible to apply for this Settlement. The lists of schools can be found in Schedule E of the Settlement Agreement.

If you are a Day Scholar who attended an Indian Residential School and your school is not on Schedule E:

Please contact Class Counsel at dayscholars@waddellphillips.ca or 1-888-222-6845.

31. What if I attended an Indian Residential School on List 2 as a Day Scholar?

Claimants who attended a List 2 Indian Residential School as a Day Scholar must complete the **Statutory Declaration** provided under List 2 in the Claim Form.

This section must also be signed by a Witness. The Witness is a person who sees you sign the Statutory Declaration, not someone who witnessed you as a Day Scholar.

If you are a Personal Representative, you must complete this section if the Day Scholar attended a school on List 2.

Please do not complete the Statutory Declaration if you attended a school on List 1.

32. Who can sign the List 2 Indian Residential School Statutory Declaration as an eligible Witness?

The following individuals may act as a Witness and sign the Statutory Declaration:

- Border Service Officer
- Certified Aboriginal Financial Manager
- Certified/Registered Accountant
- Chartered Professional Accountant
- Chief
- Commissioner of Oaths
- Correctional Officer
- Federal or Provincial Court Judge or Justice of the Peace
- Government Councillor
- Indian Registration Administrator
- Indigenous/Aboriginal Liaison Officer
- Inuit Community Leader
- 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)

33. Why is my school not on the lists of schools for the time I attended?

Your school may not be on the lists in Schedule E for one of the following reasons:

- a) It may be because you attended a Federal Indian Day School and not an Indian Residential School. Students who attended a Federal Indian Day School may be eligible for compensation through the McLean Federal Indian Day School Class Action Settlement. For more information, please visit the following websites:

Class Counsel (Gowling WLG) website: <https://indiandayschools.com/en/>;

Claim Administrator (Deloitte LLP) website: www.indiandayschoolsclaims.com

OR

- b) It may mean that your school was not established and funded by the Federal Government of Canada. This Class Action and Settlement are against Canada only, and only cover institutions that were set up by the Federal Government under the *Indian Act*.

If you believe you attended a **Federal Indian Residential School** as a **Day Scholar** at a location listed on List 1 or List 2, but knew it by a different name and cannot locate it on either list, you may provide this different name in your Claim Form submission.

If you attended a **Federal Indian Residential School** as a **Day Scholar** and your school name and location are not on List 1 or List 2 in Schedule E, please contact Class Counsel at dayscholars@waddellphillips.ca or 1-888-222-6845.

34. What if I don't remember the name of the Indian Day Residential School I attended or whether I was a Day Scholar?

If you do not remember the name of the School you attended, please review [Schedule E](#) of the Settlement Agreement, to help you remember. If you remember the location of the school (Province, Territory or Community), this could help you recognize the name of the School. We also encourage you to speak to any family

members, old classmates or community workers who may know this information.

35. Can I apply for reconsideration if my Claim is rejected?

If your Claim was rejected for one of the following reasons, you cannot apply for reconsideration:

1. Your school is not on the list of Indian Residential Schools listed in Schedule E; and/or
2. The Claim is on behalf of a Day Scholar who died on or before May 29, 2005.

If your Claim was rejected for any other reason, you can seek reconsideration before the Independent Reviewer.

If your claim is rejected, the Claims Administrator will send you a letter providing clear reasons why your Claim was dismissed, and, if applicable, informing you of your right to seek reconsideration; the process for seeking reconsideration, and any applicable deadlines; your right to assistance from Class Counsel at no cost and your right to assistance from another counsel of your choice at your own expense; and attaching copies of any information and documents that were considered as part of the Claims Administrator's decision to dismiss the Claim.

36. Who is the Independent Reviewer and what is their role?

The Independent Reviewer will be an individual appointed by the Court to review reconsideration requests from Claimants whose Claims have been denied by the Claims Administrator. The Independent Reviewer will draw all reasonable and favourable inferences that can be drawn in favour of the Claimant.

37. How can I make a Reconsideration request?

You must provide a notice of intent to seek reconsideration within 60 days of the date of the letter from the Claims Administrator dismissing your claim.

You have the right to be represented by Class Counsel at no cost or retain another counsel of choice at your own expense.

The Independent Reviewer will advise you of your right to submit new evidence. You will have 60 days to submit new evidence for reconsideration. If you need an extension on the deadline, you may be granted one, as long as the Independent Reviewer believes it is reasonable to do so. This evidence will then be provided to Canada and Canada will have 60 days to provide any additional information in response to the new evidence.

If the Claimant has provided new evidence:

The Independent Reviewer will come to a decision on your reconsideration application within 30 days of receiving any additional information from Canada or after the 60 day time limit for Canada to respond has expired.

If the Claimant has not provided new evidence:

The Independent Reviewer will come to a decision on your reconsideration application within 30 days of the expiry of time for the Claimant to provide new evidence.

If the Independent Reviewer determines the claim is eligible, they will inform the Claims Administrator and the Claimant and payment will be made to the Claimant. If the Claim is rejected, the Claimant will be informed by letter via Claimant's preferred method of communication. This letter will provide clear reasons why the Claim was rejected along with copies of information considered by the Independent Reviewer in making their decision to dismiss the claim.

The Independent Reviewer's decisions are final without any further right of appeal.

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

The Administrator will retain all documents during the Claims process.

Within **two years** of completing the payments of compensation, the Administrator will destroy all information and documents received from you, unless you specifically request your information be returned to you. More information on how to get your documents returned can be found in the "How can my documents be returned to me?" section below.

Before the destruction of records, the Administrator and Independent Reviewer will provide Canada a list showing the (i) Day Scholars, (ii) School Year(s) of attendance, and (iii) Indian Residential Schools, with respect to which each payment of compensation was made. Rest assured, Canada will keep this information in strict confidence and will only use it in future legal proceedings or settlements, and only where it is relevant to do so.

39. How can my documents be returned to me?

Please note that your documents will not be returned to you until after the Ultimate Claims Deadline. Upon conclusion of the Ultimate Claims Deadline on January 4, 2024, you can complete a request form indicating that you would like your documents to be returned to you.

You must provide this form within **two years** of receiving the payment of compensation.

Estates Claim Process for Compensation

We recognize that individuals managing the Claims Process on behalf of a deceased loved one may need support and specific direction. The information below provides more information that we hope is helpful.

40. How can I apply for compensation on behalf of a deceased loved one?

In the cases where the deceased Day Scholar's estate has an Executor/Administrator/Trustee or Liquidator (generally because one was named in a will, or appointed by a court), only that person may make a claim on behalf of the estate.

Only in cases where there is no estate Executor/Administrator/Trustee/Liquidator, the highest priority living heir can make a claim.

When applying on behalf of a loved one who has died on or after May 30, 2005, an Estate Claim Form must be completed. More information on the Estate Claims Process and priority of claims can be found in the [Estate Claim Form Guide](#). In all cases, Claimants are required to submit the Claims Form to the Claims Administrator before the claims deadline on October 4, 2023.

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

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

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

42. How can I apply for compensation as the official Executor/Administrator/Trustee/Liquidator of the deceased Day Scholar?

To submit a Claim as the Executor/Administrator/Trustee/Liquidator of the deceased Day Scholar's estate, you will need to provide the following:

- a. Completed Estate Claim Form;
- b. Evidence that the Day Scholar is deceased which includes the date of death (e.g., Death certificate, Funeral Director's Statement, Burial certificate); and
- c. Evidence that you have been appointed as the Executor/Administrator/Trustee/Liquidator of the deceased Day Scholar's estate (e.g., in the deceased Day Scholar's Will; or in a court order from a Provincial/Territorial court; or in a Grant of Administration from a Court or INAC/CIRNAC/ISC).

Once the application has been processed and if it is approved, the Claim will be made payable to "the estate of" the deceased Day Scholar.

43. What if the deceased Day Scholar does not have an Executor/Administrator/Trustee/Liquidator?

If your deceased loved one was a Day Scholar and does not have an Executor/Administrator/Trustee/Liquidator for their estate, their highest priority living heir can apply on their behalf.

44. What are the priority levels of heirs?

The priority level of heirs from highest to lowest priority is as follows:

- I. Husband/Wife
- II. Common Law or *de facto* partner
- III. Children
- IV. Grandchildren
- V. Parent
- VI. Siblings
- VII. Nieces or Nephews

Example: If the deceased Day Scholar has a surviving spouse or common law partner and you are the child of the deceased Day Scholar, the spouse/common law partner will have a higher priority level than you and they will need to be the

Claimant who submits the Claim on behalf of the deceased Day Scholar.

45. How can I apply for compensation as the heir of the deceased Day Scholar?

As the highest priority living heir of the deceased Day Scholar, you will need to provide the following:

- a. Completed Estate Claim Form;
- b. Evidence that the Day Scholar is deceased which includes the date of death (e.g., Death certificate, Funeral Director's Statement, Burial certificate);
- c. Photocopy of your government ID;
- d. Attestation or declaration that the deceased Day Scholar did not have a will and that no executor, administrator, trustee, or liquidator has been appointed by the court (part of the Estate Claim Form);
- e. Proof of your relationship to the deceased Day Scholar. See the [Estate Claim Form Guide](#) for accepted documents for proof of relationship. Alternatively, you can complete the Statutory Declaration on Page 9 of the Estate Claim Form;
- f. Attestation or declaration that there are no other higher priority heirs (part of Estate Claim Form);
- g. List of all individuals (if any) that have the same priority level as you;
- h. A completed Consent Form on Page 10 of the Estate Claim Form from all equal priority living heirs (if applicable).

46. What happens if there are several heirs at the same priority level?

Only the highest priority living heir can apply. If there are multiple living highest priority living heirs they will need to agree on **one Designated Representative** to submit the Claim on behalf of the deceased Day Scholar. This will be in the form of written consent from all heirs at the same priority level.

Example: if the deceased Day Scholar does not have a surviving spouse or common law partner and you are one of their children that wishes to apply on behalf of your parent's estate, you will require the consent of all other children to apply. Each living sibling in this example will need to agree that you can be the designated representative to submit the Estate Claim on behalf of your parent.

47. What if there is a higher priority level heir than me but they do not want to submit a Claim?

If there is no will, only the highest priority heir can apply as an heir. If the highest priority living heir does not want to submit a Claim, the other heir(s) need to seek to be named estate administrator or be appointed by a court.

48. How will the Claim of a deceased Day Scholar be processed?

A. Where there is an executor, administrator, trustee, or liquidator

The Claims Administrator will assess the Claim and payment of the approved Claim will be made payable to "the estate of" the deceased Day Scholar.

B. Where there is no executor, administrator, trustee, or liquidator

Where only one Claim is received for a deceased Day Scholar:

- If the Claim is approved, the Claims Administrator will only continue processing the Claim after the Ultimate Claims Deadline (January 4, 2024) has elapsed in order to ensure that we have assessed any multiple or competing claims that may arise for the same deceased Day Scholar.
- If the Claim is dismissed, the Claims Administrator shall advise the Claimant of the dismissal and the Claimant's right to seek reconsideration in accordance with the Claims Process (if applicable).

49. I am applying as the highest priority living heir of a deceased Day Scholar. Why do I have to wait until the Ultimate Claims Deadline to have my Claim processed?

The claims administrator has to wait until the Ultimate Claims Deadline (January 4, 2024) to process a claim from the highest priority living heir in order to ensure that there is no Executor/Administrator/Trustee/Liquidator of the deceased Day Scholar's estate or other higher priority living heir who have a better claim to the compensation payment.

50. I am applying as the highest priority living heir of a deceased Day Scholar. Is there any way to expedite the processing of my Claim before the Ultimate Claims Deadline?

If you are the highest priority heir of a deceased Day Scholar, and you do not want to wait until the Ultimate Claims deadline (January 4, 2024) in order to have your claim processed, you have the option of applying to a court to be named as the estate executor, administrator, trustee, or liquidator of the deceased Day Scholar's estate.

If you would like further information on what to do if a family member has passed away, please review the [Estate Claim Form Guide](#).

51. What documents are required to submit a claim on behalf of a deceased Day Scholar?

For Day Scholars who were deceased on or after May 30, 2005:

| Residence of Claimant | Valid Will (undisputed) | No Will Exists | Will is Disputed | Administrator Appointed by INAC / ISC / CIRNAC |
|-------------------------------------|--|---|------------------|--|
| Quebec | <ul style="list-style-type: none"> • Proof of Death in the form of: <ul style="list-style-type: none"> - Death Certificate; OR - Funeral director's statement of death; OR - Burial certificate. <p style="margin-left: 20px;">AND</p> <ul style="list-style-type: none"> • a notarial Will recorded and registered by a notary; OR • a judgment from a Quebec Court probating the Will. | <ul style="list-style-type: none"> • Proof of Death in the form of: <ul style="list-style-type: none"> ○ Death Certificate; OR ○ Funeral director's statement of death; OR ○ Burial certificate. <p style="margin-left: 20px;">AND</p> <ol style="list-style-type: none"> 1. <u>If you are the Administrator/ Executor/ Trustee/ Liquidator of the deceased Day Scholar's estate:</u> <ul style="list-style-type: none"> • a court order from a Provincial/Territorial court; OR • a Grant of Administration from a Court or INAC/CIRNAC/ISC; OR • a Designation of a Liquidator by the Heirs which has been registered in the Register of personal and movable real rights (RDPRM). This includes: <ul style="list-style-type: none"> ○ Certificate of Will search by Chamber of notaries; AND ○ Certificate of Will search by Quebec Law Society; AND ○ Declaration of heredity (either notarized or with documents to support); AND ○ A designation of a liquidator by the heirs (e.g. Revenue Quebec form LM-14.1, or similar) 2. <u>If you are the highest priority living heir of a deceased Day Scholar:</u> <ul style="list-style-type: none"> • Documentation that provides evidence of familial relationship includes: <ul style="list-style-type: none"> ○ In case of marriage, a Record of Solemnization or Marriage Certificate; OR ○ In the case of a parent-child relationship, the birth certificate of the child; OR ○ In the case of a parent and legally adopted child, an Adoption Order or similar document. <p style="margin-left: 20px;">AND</p> <ul style="list-style-type: none"> • Your Government issued ID when submitting as an heir of a deceased Day Scholar. <p>DO NOT submit other documents such as family photographs, letters, or unofficial records.</p> <p>For other kinds of familial relationships, or if the above documentation is not available, we recommend filling out the Statutory Declaration: Relationship to deceased Day Scholar included on page 9 of the Estate Claim Form.</p> | | |
| Other Provinces/ Territories | <ul style="list-style-type: none"> • Proof of Death in the form of: <ul style="list-style-type: none"> - Death Certificate; OR - Funeral director's statement of death; OR - Burial certificate. <p style="margin-left: 20px;">AND</p> <ul style="list-style-type: none"> • the deceased Day Scholar's Will <ul style="list-style-type: none"> - Signed by deceased Claimant before witness(es) | <p style="margin-left: 20px;">OR</p> | | |

52. What happens if multiple Claims are submitted for the same deceased Day Scholar?

Priority will be given to the Claim that has been submitted by the official Executor/Administrator/Trustee/Liquidator of the deceased Day Scholar's estate.

- Example: A is the deceased Day Scholar and A has an official Executor. A also has a surviving spouse, B. If both, the Executor and B submit a Claim on A's behalf, the Claims Administrator will give priority to the Executor's Claim and if the Claim is approved, will make the payment to "the Estate of" A.

If there is no Executor/Administrator/Trustee/Liquidator, only the highest priority living heir can apply. If the Claims Administrator receives claims from different priority heirs, the Claims Administrator will contact the lower priority Claimant to confirm if they object to the existence of the higher priority level Claimant.

- If the existence of a higher priority level Claimant is disputed, the matter shall be referred to the Independent Reviewer to determine which Claimant has the highest valid priority level. The Independent Reviewer will assess priority levels and appoint the highest valid priority level holder as the Designated Representative of the deceased Day Scholar.
- The decision of the Independent Reviewer will be final without any right of appeal or judicial review.

Once the Independent Reviewer has determined the Designated Representative of the deceased Day Scholar, the Claims Administrator will do the following:

- If the Claim is approved, pay the Designated Representative; or
- If the Claim is dismissed, advise the Designated Representative of the dismissal and the right to apply for reconsideration according to the Claims Process.

Example: A is the deceased Day Scholar. A does not have an Executor and is survived by their spouse B, and their children C and D. If B (spouse) and C (child) both submit a Claim on behalf of A, the Claims Administrator will contact C to confirm if they object to B's priority level. If C disputes B's priority level, the Independent Reviewer will decide whether B or C have the higher priority and will make a decision on who is the highest priority Claimant. This Claimant will then become the Designated Representative of A. The Independent Reviewer's decision will be final. If the Claim is approved, the Claims Administrator will pay the Designated Representative. If the Claim is rejected, the Designated Representative can apply for reconsideration.

53. What happens if multiple Claims are submitted for the same deceased Day Scholar but all Claimants have the same priority level?

If the deceased Day Scholar does not have an Executor/Administrator/Trustee/Liquidator and multiple Claims are submitted by different heirs of the deceased Day Scholar with the same priority level (for example, if two children of the deceased Day Scholar submit separate Claims), the Claims Administrator will reject all Claims and notify each Claimant accordingly.

After the Claims have been rejected, all Claimants will have three months from the date of their rejection letter to submit one new Claim signed by all previous Claimants. The Claimants will have to decide which Claimant should become the Designated Representative. The Designated Representative will be permitted to submit one estate claim on behalf of the deceased.

Once the new Claim is received, the Claims Administrator will do the following:

- If the Claim is approved, pay the Designated Representative; or
- If the Claim is dismissed, advise the Designated Representative of the dismissal and the right to apply for reconsideration according to the Claims Process.

Example: A is the deceased Day Scholar. A does not have an Executor. A's spouse, B has also passed away. A's children, C and D are next on the priority level. If both C and D submit separate Claims on behalf of A, **the Claims Administrator will reject both Claims.** C and D will then have three months to make a decision as to which one of them should be the Designated Representative of A. Once they have decided, they will submit **one** Claim form where the Designated Representative will be the Claimant and if the Claim is approved, the Claims Administrator will make a single payment to the Designated Representative. This payment will not be divided among the different heirs by the Claims Administrator.

If the Claim is rejected, the Designated Representative can apply for reconsideration. Please note that one cheque will be issued to the Designated Representative. It is the responsibility of the Designated Representative to distribute the payment to other equal priority heirs.

54. What happens if multiple Claimants at the same priority level cannot decide who should be the Designated Representative?

The claimants will have until the Ultimate Claims Deadline (January 4, 2024) to decide on the Designated Representative. If no claim is received by this date, no compensation will be provided.

At any time, an heir can seek to be appointed by a court as the Estate executor, administrator, trustee, or liquidator. Once appointed by a court, that person can apply as the Estate executor, administrator, trustee, or liquidator.

Payment Information

55. How will compensation be distributed?

If your claim is approved by the Claims Administrator, there are two methods of payment you can choose from to receive your compensation funds:

1. Cheque sent to the mailing address you provide on the Claim Form; OR
2. Direct deposit (you must provide a direct deposit form or a void cheque).

56. How can I receive my compensation in the form of a cheque?

If you choose to have the payment mailed to you as a cheque, please ensure to provide your current and complete mailing address on the Claim Form; if your mailing address consists of General Delivery or a PO Box number, please ensure to include it as well.

57. How can I receive my compensation through direct deposit?

If you choose to have the payment deposited directly into your bank account, please provide a direct deposit form or void cheque of the deposit bank account along with your claim package.

If you do not have a bank account, direct deposit is not possible. If you select direct deposit but do not provide a valid direct deposit form or void cheque with the requirements above, you will be mailed a cheque to expedite payment.

58. Can I submit a direct deposit form or a void cheque from someone else's bank account?

The name of the bank account holder must be the same as the claimant.

For deceased claimants, the name of the bank account holder must be in the name of the estate of the deceased Day Scholar or the same as the highest priority heir.

Funds cannot be recovered if incorrect information was provided and funds are deposited in the wrong account. Replacement payments will not be issued. For example, if you provide a family members banking information and not your own, we cannot recover the funds for you.

Resources and Support

59. What resources are available to claimants as they go through the process?

Emotional and mental health counselling and crisis support is available to claimants 24 hours a day, 7 days a week through:

- National Indian Residential School Crisis Line at 1-866-925-4419.
- Hope for Wellness Hotline at 1-855-242-3310 or online at www.hopeforwellness.ca (available in English and French. Cree, Ojibway and Inuktitut available upon request).

60. Who can help answer my questions about the Settlement Agreement?

If you have additional questions or require clarification after reading the information above, please contact Class Counsel or the Claims Administrator free of charge:

Claims Administrator, Deloitte LLP: If you have questions about the Claim Form, Claims Process, or to report an address change after submitting your Claim, contact the Claims Administrator at 1-877-877-5786, or by visiting www.dayscholarsclaims.com.

Call Centre agents at the Claims Administrator Call Centre are available to communicate in English and French; however, upon request, the Claims Administrator Call Centre can also offer a call back in Cree, Ojibwe, or Inuktitut.

Class Counsel, John Kingman Phillips, Peter R. Grant, Diane Soroka and W. Cory Wanless: If you need help determining if you can apply and are eligible for this Class Action, please contact the Class Counsel team at no cost by phone 1-888-222-6845, by email dayscholars@waddellphillips.ca, or by visiting www.justicefordayscholars.com.