



Revised FSA: Removed Child Class & Removed Child Family Class

On April 19, 2023, Parties to the Final Settlement on compensation signed the Revised Final Settlement Agreement ("Revised FSA") on Compensation. The following information sheet will cover information relating to the Removed Child Class and the Removed Child Family Class.

It is important to note that the Revised FSA is a legal agreement and to agree to the terms of this agreement is an important decision. Claimants are strongly urged to read the Revised FSA in its entirety before starting a claim and to seek legal advice if they have concerns.

This document is not intended to replace the actual Revised FSA document and only to provide an informal overview of the information contained in the Revised FSA.

Important Definitions

Removed Child Class

A First Nations person who was removed from their home by child welfare authorities or voluntarily placed into care in an ISC-funded placement¹ (while they were under the age of majority) at any time between April 1st 1991 and March 31st 2022, while they (or at least one of their Caregiving Parents/Grandparents) were *Ordinarily Resident* on Reserve, or were living in the Yukon (but excluding children who lived in a Non-paid Kin or Community Home through an arrangement made with their caregivers, and persons living in the Northwest Territories at the time of removal).

Removed Child Family Class

All persons who are the brother, sister, mother, father, grandmother or grandfather of a member of the Removed Child Class at the time of removal. **However**, only the caregiving Parent or Grandparent may receive direct compensation.

¹ Such as an Assessment Home, a Non-kin Foster Home, a Paid Kinship Home, a Group Home, or a Residential Treatment Facility or another ISC-funded placement.

Compensation amounts

Removed Child Class

An Approved Member of the *Removed Child Class* will be eligible to receive a Base Compensation of \$40,000. This amount will not be multiplied by the number of Spells in Care.²

An approved Member of the *Removed Child Class* may also be entitled to receive an *Enhancement Payment* based on *Enhancement Factors*:

Enhancement Factors

- Age they were when they were removed for the first time.
- Time spent in care.
- Age when they exited the child welfare system.
- Whether they were removed to receive an Essential Service related to a Confirmed Need.
- Whether they were removed from a Northern or Remote Community.
- Number of Spells in Care and/or (if possible) the number of Out-of-home Placements applicable to a Class Member who spent more than 1 year in care.

Removed Child Family Class

An Approved Member of the *Removed Child Family Class* will be eligible to receive a Base Compensation of \$40,000. This amount will not be multiplied by the number of Removals or Spells in Care.

Max compensation available will be 2 x Base Compensation payments per Child among Caregiving Parent/Grandparents (regardless of the number of Removals/Spells in Care).

Only the Caregiving parents/grandparents are eligible to receive direct compensation if otherwise eligible under this agreement

² Spells in care = number of times a child was placed in care.

Brothers and sisters are not entitled to direct compensation but may benefit indirectly (Cy-Près Fund).

Who is not entitled to compensation?
(Family Class)

A foster parent is not entitled to compensation and is not entitled or permitted to claim compensation on behalf of a Child.

A Caregiving Parent or Caregiving Grandparent who has committed Abuse that has resulted in the Child's removal is not eligible for compensation in relation to that Child.³

How priority is determined for compensation for Removed Child Family Class Members:

The Administrator will not pay any Claims by a Caregiving Parent, Caregiving Grandparent or Stepparent until the expiration of the Claims Deadline, in order to determine:

- From whom the Child was removed first;
- Whether one, two, or no Caregiving Parent(s) (who are not Stepparents), or Caregiving Grandparent(s), who cared for the Child at the time of the first removal are approved with respect to the same Child;
- whether more than two other Caregiving Grandparents or Stepparents have submitted a Claim with respect to the same Child; and

the amount of compensation, if any, payable to each such Claimant.

When eligibility cannot be determined by the following:

When there are multiple removals/Spells in Care:

- Where the Child was removed more than once from a Caregiving Parent or a Caregiving Grandparent, the Caregiving Parent or the Caregiving Grandparent from whom the Child was first removed will be eligible to receive compensation.
- The first time that a Child is removed from either a Caregiving Parent or Caregiving Grandparent will determine who receives compensation: whoever the Child was removed from earlier will take eligibility priority to receive a Base Compensation.⁴

or where the Child was first removed from more than two Caregiving Parents/Grandparents. Eligibility will be determined according to the following priority list:

- (1) Category A: Caregiving Parents who are not Stepparents; then
- (2) Category B: Caregiving Grandparent(s); then
- (3) Category C: Stepparents.

³ However, a Caregiving Parent or Caregiving Grandparent is not barred from receiving compensation as a member of the Removed Child Class, the Kith Child Class, the Essential Service Class, the Trout Child Class or the Jordan's Principle Class if the Caregiving Parent or Caregiving Grandparent is otherwise eligible for compensation as a Child member of one of those classes under this Agreement.

⁴ For example, if the Child was removed from two Caregiving Grandparents in 2008 and later removed from a Caregiving Parent in 2010, the two Caregiving Grandparents receive two Base Compensation payments and no other person receives compensation.