

FAQs – SIXTIES SCOOP CLASS ACTION
Updated: June 16, 2020

What is the settlement for?

The purpose of the Sixties Scoop Settlement Agreement is to provide redress and compensation to Indian and Inuit individuals who, as children, were placed in the care of non-Indigenous parents and suffered a loss of their cultural heritage. Ultimately, the settlement is based on the desire of the parties to “promote healing, education, reconciliation, and commemoration”.

The settlement includes payments to eligible individuals as well as funds for the establishment of a Sixties Scoop Foundation designed to enable access to education, healing/wellness, and commemoration activities for affected communities and individuals.

Compensation is for the loss of cultural heritage only. The settlement does NOT include payment for any personal injuries or abuse that occurred while in care.

Who is eligible to claim under the settlement?

The settlement is for people who:

1. Are registered Indians (as defined in the *Indian Act*) and Inuit – this includes people who are not currently registered under the *Indian Act* but are ELIGIBLE to be registered.

AND

2. 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 for at least five (5) years.

Note: The claims administrator will only accept claims from Eligible Class Members who were placed in foster care for **five (5) or more years (total)** - so long as the other eligibility criteria are met. Click [here](#) to be redirected to view the Exceptions Committee direction. Nonetheless, if you believe that there are exceptional circumstances which would still make you eligible for the settlement, please contact the Clinic for assistance.

Are Métis people eligible?

Unfortunately, Métis and non-status individuals are not included in the Settlement Agreement. There is a separate class action underway that seeks compensation for **both Métis and non-status individuals** affected by the Sixties Scoop.

Who is Collectiva?

The court appointed a company named Collectiva to be the claims administrator. Collectiva is receiving and processing all applications for compensation under the Sixties Scoop class action. Collectiva decides who is eligible to get money. If Collectiva rejects a claim, a Reconsideration Officer (currently Dr. James Igloliorte, a former Judge with the Provincial Court of Newfoundland and Labrador) can review the application to determine whether the application was properly rejected. If the Reconsideration Officer agrees with Collectiva’s decision, you can also ask a group of people called the Exceptions Committee to do a final review of the application.

Who are the people on the Exceptions Committee?

These are the key members of the Exceptions Committee:

- Designate of the Federal Court - The Honourable Robert A. Blair - retired Judge from the Court of Appeal for Ontario
- Representative of Class Counsel - E. F. Anthony Merchant Q.C. - The Merchant Law Group
- Representative of Canada - Catharine Moore - Senior General Counsel - Department of Justice Canada
- Indigenous representative - Kenn Richard - Executive Director at Native Child and Family Services of Toronto
- James Igloliorte - former Judge with the Provincial Court of Newfoundland and Labrador

If I haven't heard back since I initially submitted my claims application, what can I do?

As of May 12th, 2020, the claims administrator had reviewed 12,551 eligible class members of the 34,767 individual payment applications that have been filed. Your application may not have been processed yet. However, you can contact the claims administrator by phone at 1-844-287-4270 or by email at sixtiesscoop@collectiva.ca to request an update on your application.

Can I still apply to the Sixties Scoop Settlement Fund?

The time for submitting claims is now expired. The deadline to make a claim was September 6, 2019. Individuals were still able to submit applications until December 2, 2019, if there had been undue hardship or exceptional circumstances.

My claims application was rejected. What can I do?

Receiving a **Notice of Intent to Reject** from the claims administrator is not the end of your application. The Notice provides you with another **45 days** to provide the claims administrator with additional information or documentation that may show you are eligible for compensation.

If, after that 45-day period the claims administrator still considers you ineligible, you will receive a **Final Rejection Notice**. When you receive that notice, you have an additional **30 days** to submit a **Request for Reconsideration**. If your reconsideration request is rejected, you may still ask the Exceptions Committee to review your application. If it is rejected there, you have no further options.

The Clinic and class counsel are available to assist you with responding to a Notice of Intent to Reject and/or a Request for Reconsideration. Neither the Clinic nor class counsel will charge you for this service.

Letter from Collectiva	Deadline from Date of Letter*	What You Need To Do
Notice of Intent to Reject	45 days	Send additional information/documentation to Collectiva that addresses each of the reasons that they rejected your application. Failure to do so within the 45 day timeline may result in an Official Rejection.
Final Rejection Notice	30 days	Complete and return Reason for Request for Reconsideration form to Collectiva within 30 days of the date on the top of the form.
*These deadlines have been extended indefinitely if you received a letter dated Feb. 14, 2020 or later.		

How has the COVID-19 pandemic affected the process?

On March 16, 2020, at the start of the COVID-19 emergency, the claims administrator suspended all time limits for notices that claimants may have received. **This suspension does not apply if you received a Final Rejection Notice before February 14, 2020.** For example, if you received a Final Rejection Notice on February 1, 2020, with a 30-day deadline to reply, you still had to reply by March 1, 2020. If you received a notice on or after February 14, the deadline provided in the notice is not applicable and remains suspended indefinitely.

Starting on April 20, 2020 the claims administrator returned to full capacity (remotely) and is responding to telephone and [email inquiries](#). Any notice deadlines however are **still suspended**, and no information has yet been provided when this suspension might be lifted. Once the suspension is lifted, you will receive a notice with a new deadline. Click [here](#) to follow any future updates released by the claims administrator.

My claim was approved. How much money can I expect?

The settlement agreement provides for an estimated individual payment of about \$25,000 to each eligible member whose claim is approved, and the payment will not exceed \$50,000. The exact total payment will depend on how many members' claims are approved.

When will I receive my payment?

Collectiva can begin issuing an interim payment of \$21,000 to all Eligible Class Members whose claims have been approved. It is difficult to predict with certainty when the interim payments will be issued. Based on affidavit evidence class counsel has filed, however, payments will likely start in 2-3 weeks.

To date, over 12,500 people have been deemed to be Eligible Class Members and are therefore entitled to the \$21,000 interim payment. Collectiva has confirmed that applicants who are approved in the weeks and months ahead will also receive the interim payment of \$21,000. The remainder of the individual payment will be paid out at a later date.

How will I receive the payment?

Direct deposits will be made to individuals who provided Collectiva with a copy of a direct deposit form that matches the name and address in Collectiva's database and that was received prior to June 5th at 12:00pm EST. If your claim has been approved but your direct deposit form was not received by June 5th, Collectiva will be issuing you a cheque.

If your address has changed from the one submitted to Collectiva, please call 1-844-287-4270 to ensure that the claims administrator has the right information.

I received a call/email asking for my bank information. Is this a scam?

Yes. The claims administrator will not be asking for or accepting banking information over the telephone. If you have received such a call/email, please contact the claims administrator.

Will the payment impact my ability to receive social benefits?

On June 8, 2020, Collectiva advised: "We expect that a number of benefit programs will not count these payments as 'income' that would affect your benefits. However, we do strongly recommend reaching out to your benefits program directly to confirm this. It may help to share this letter from the Canada Revenue Agency (CRA) that explains their assessment of these payments as not taxable income. If you have any questions or concerns about this, please contact Class Counsel."

How will legal fees be paid?

The Settlement Agreement outlines how the lawyers will be compensated. The money to pay for the lawyers' fees will not come out of the compensation fund for class members, but instead will be paid separately by the government.

Where is the money that has been set aside for compensation?

Collectiva now holds the funds. The judge's order with this information can be found [here](#).

How will any interest be distributed?

The claims administrator holds the funds of the settlement in an interest-bearing account. Any interest will be held in trust for the Sixties Scoop Foundation. Once payment is released for all eligible class members, the interest will be paid out to the [Sixties Scoop Foundation](#).

What is the Sixties Scoop Foundation?

The Sixties Scoop Foundation will be established by the government to promote change and reconciliation and access to education, healing/wellness and commemoration activities for communities and individuals. An amount of \$50,000,000.00 will be funded by the government for the Sixties Scoop Foundation. More information about the Sixties Scoop Foundation can be found at www.60sscoopfoundation.com.

Where can I find the Settlement Agreement?

A copy of the Settlement Agreement is available at <https://www.sixtiesscoopsettlement.info> in the "Official Documents" tab. Click [here](#) to be redirected to the PDF document.

Where can I get help?

Claims Administrator: Collectiva Class Action Services Inc.

- 200-2170 Boul René-Lévesque O
Montréal Qc H3H 2T8
- T 1-844-287-4270
- sixtiesscoop@collectiva.ca

Class Counsel (Free Services):

- Klein Lawyers LLP at 1-(778) 654-7171
- Koskie Minsky at 1-(855) 595-2626
- Merchant Law at 1-(888) 567-7777

The Class Action Clinic is also assisting claimants with the process. The Clinic can be contacted in any of the following ways:

- Telephone: 519-973-7009
- Toll Free: 1-844-973-7009
- Fax: 519-973-7003
- Email: classactionclinic@uwindsor.ca
- Facebook Message at: [@ClassActClinic](https://www.facebook.com/ClassActClinic)

If you are experiencing emotional distress and would like to receive free counselling and crisis intervention services, then please contact the **Hope for Wellness Help Line at 1-855-242-3310, or online at www.hopeforwellness.ca.**

The claims administrator has also uploaded a document of FAQs, which can be found [here](#). It was last updated on June 10, 2020.