

Indian Boarding Homes Program Claim Protocol

Introduction

This document summarizes the procedures for the submission, completion, and review of Applications under the Indian Boarding Homes Program ("IBHP") Class Action Settlement.

Protocol

I. Submitting Category 1 and Category 2 Applications

1. Each compensation category will have a form associated with it. If Claimants want to receive both Category 1 - Compensation for Placement in a Boarding Home and Category 2- Compensation for Abuse, they will have to submit both forms to the Claims Administrator.
2. Claimants can submit a Category 1 form first and a Category 2 form later or submit both forms at the same time. Claimants cannot submit a Category 2 form before a Category 1 form; if they do, their Category 2 Application will be suspended until they submit a Category 1 form.
3. There will be three types of forms available, depending on who is submitting the Application:
 - a. **Individual Forms** - for Claimants who are Primary Class Members (individuals who were placed in the Indian Boarding Homes Program) filing a Category 1 and / or Category 2 Application for themselves.
 - b. **Personal Representative Forms** - for someone who is filing a Category 1 and / or Category 2 Application on behalf of a Primary Class Member who is a Person Under Disability.

- c. **Estate Representative Forms** - for those who are filing Category 1 and/or Category 2 Applications on behalf of a Primary Class Member who is deceased, in their capacity as the Estate Executor or as the highest-priority heir.
- 4. Claimants who submit any of the three forms mentioned above can be assisted by a lawyer of their choice throughout the claims process, including reconsideration and Independent Review. If Claimants are represented by a lawyer, the lawyers must identify themselves on the appropriate form.
- 5. Claim forms will be made available to Claimants in the following ways:
 - a. an online submission portal will be available through the Indian Boarding Homes Class Action website.
 - b. electronic forms will be available to download from the Indian Boarding Homes Class Action website that can be completed electronically or printed and completed in writing.
 - c. paper forms will be available through the Claims Administrator's community outreach efforts and regional partners or mailed upon request.
- 6. Claimants will submit their claim forms using one of the following methods:
 - a. completing the form on the online portal.
 - b. completing the form and:
 - i. emailing a pdf version of the form to the Claims Administrator at **claims@boardinghomesclassaction.com**, or
 - ii. mailing the form to the Claims Administrator, or
 - iii. faxing the form to the Claims Administrator.
- 7. The Claims Administrator will send an "Acknowledgement Notice" to the Claimant within four to eight weeks following the receipt of each form. The Acknowledgement Notice will be sent to the Claimant by email or mail, depending upon the selected preference.
- 8. Claimants who do not receive an Acknowledgement Notice within eight weeks of submitting their Application should email or call the Claims Administrator to verify that their claim form(s) were received.

9. The Claims Administrator will sort Applications by age and prioritize elders.

II. Category 1

A. Claim Processing (Pre-Review)

10. The claim form will be assessed by the Claims Administrator to determine whether all required information and answers to all required questions have been provided by the Claimant. If required information is missing from an Application, the Application will be considered incomplete and will be processed in accordance with the Missing Information Protocol.
11. Required information on the forms will assist the Claims Administrator in identifying Primary Class Members, as well as their representatives, including lawyers, Personal Representatives for Persons Under Disability, and Estate Executors or highest priority heirs. Required information will also assist the Claims Administrator and Canada in confirming the Primary Class Member's participation in the IBHP.
12. Claimants will also be asked for additional non-required information ("Optional Information"). This Optional Information will be used to assist the Claims Administrator and Canada in confirming the Primary Class Member's participation in the IBHP, but its absence from the form will not by itself require additional follow-up.

B. Claim Review Protocol

13. Information submitted by the Claimants in Category 1 forms will be sent to Canada for review. This review is meant to confirm the Primary Class Member's placement in the Indian Boarding Homes Program.
14. The Claims Administrator will only forward Applications to Canada when:
 - a. The claim form includes all required information, and
 - b. The Primary Class Member did not opt out of the settlement, and

- c. The Application is unique (i.e., not a duplicate submitted for a Primary Class Member for whom another Application has already been processed).
15. Canada will review its files to confirm whether the Primary Class Member was placed in the IBHP. Information that can confirm placement includes school records, names of the persons in charge of the boarding home, or names of other children placed in the same boarding home.
16. After this review, Canada will inform the Claims Administrator whether it considers a) that the individual was a participant in the IBHP, or b) that the individual was likely not a participant in the IBHP, or c) it has insufficient information to determine whether the individual was a participant in the IBHP.
17. If Canada is unable to confirm the individual's participation in the IBHP, the Claims Administrator will inform the Claimant and ask for additional information that could confirm the individual's participation in the IBHP. If, after additional information is provided, no element raises doubt about eligibility, the Claimant will be considered eligible for compensation.
18. After assessing the Category 1 form, the Claims Administrator will take the following steps, depending on the Primary Class Member's status:
- a. Primary Class Member placement in the IBHP is confirmed:
 - i. Notice of approval is sent to the Claimant by mail or email.
 - ii. Notice of approval will include instructions for applying for Category 2 compensation, if no Category 2 Application has been made.
 - iii. Payment is sent to the Claimant through direct deposit or cheque mailed.
 - b. Claimant is assessed as not being entitled to Category 1 compensation:
 - i. Claimant is sent a Notice of Claim Denial stating that the Application was not approved.
 - ii. Notice of Claim Denial will state the reasons for deciding that the Claimant is ineligible. If the decision is based on information provided by Canada, that information will be disclosed to the Claimant with the Notice of Claim Denial.

- iii. Notice of Claim Denial will include a Reconsideration Form and information on how to submit a Reconsideration Request.
Note: Reconsideration request information will not be provided to Claimants who have made duplicate submissions after their Application was already the subject of a decision.

- 19. Approved Applications filed by the representative of a Primary Class Member, as well as Applications filed by living Primary Class Members but who died before approval, if they did not appoint an Estate Executor, will be managed pursuant to the Estate Claims Protocol.

III. Category 2

A. Claim Processing (Pre-Review)

- 20. Applications will be assessed by the Claims Administrator to determine whether all required information and required answers to questions (as identified on the claim forms) have been provided by the Claimant. Required information on the forms will assist the Claim Administrator in identifying the Primary Class Member, as well as their representatives, including lawyers, Personal Representatives for Persons Under Disability, and Estate Executors or highest-priority heirs. Required information on the forms will also assist the Claims Administrator in evaluating the entitlement of Primary Class Members for the requested level of Category 2 compensation.
- 21. If required information is missing from an Application, the Application will be considered incomplete and will be processed in accordance with the Missing Information Protocol.

B. Claim Review Protocol

- 22. The Claims Administrator will review Category 2 Applications when:
 - a. The claim form is complete with all required information, and
 - b. The Primary Class Member was determined to be an Eligible Claimant in the Category 1 review, and

- c. The Application is unique (i.e., not a duplicate submitted for a Primary Class Member whose Application has already been the subject of a decision).
- 23. The Claims Administrator will review the responses / narratives provided by the Claimant to determine the appropriate compensation level. The review will:
 - a. Confirm that the abuse experienced by the Primary Class Member was related to the Indian Boarding Homes Program.
 - b. Determine the level of harm experienced by the Primary Class Member, based on the compensation grid in the Settlement Agreement.
- 24. When assessment of the Category 2 form is complete, the Claims Administrator will take the following steps:
 - a. Claimant is assessed at the same level of compensation requested, or higher:
 - i. Notice of approval is sent to the Claimant by mail or email.
 - ii. Payment is sent to the Claimant either by direct deposit or a mailed cheque.
 - b. Claimant is assessed as being entitled to compensation, but the compensation level is lower than requested:
 - i. Notice of approval at a lower level is sent to the Claimant by mail or email.
 - ii. Notice of approval at a lower level will state the reasons for deciding that the Claimant is not entitled to the compensation level requested, and the information that was missing to confirm entitlement at the level requested, if applicable. If the assessment is based on information provided by Canada, such information will be disclosed to the Claimant with the Notice of approval at a lower level.
 - i. Notice of approval at a lower level will include a Reconsideration Form and information on how to submit a Reconsideration Request.
 - ii. Payment at the level approved is sent to the Claimant either through direct deposit or a mailed cheque.
 - iii. If the Claimant applies for reconsideration, the reconsideration request will be managed in accordance with the Reconsideration Protocol.

- c. Claimant is assessed as not being entitled to Category 2 compensation:
 - i. Claimant is sent a Notice of Claim Denial
 - ii. Notice of Claim Denial will state the reasons for deciding that the Claimant is not entitled to Category 2 compensation, and the information that was missing to confirm entitlement, if applicable. If the assessment is based on information provided by Canada, such information will be disclosed to the Claimant with the Notice of Claim Denial.
 - iii. Notice of Claim Denial will include a Reconsideration Form and information on how to submit a Reconsideration Request.
25. Approved Applications filed by the representative of a Primary Class Member who is deceased and did not appoint an Estate Executor, as well as Applications filed by living Primary Class Members who died before approval, will be managed pursuant to the Estate Claims Protocol.

IV. Supporting Protocols

A. Missing Information Protocol

If a claim form is submitted and determined to be “incomplete” (meaning information and/or supplementary documentation the Claims Administrator determines is needed is absent from the Application), the Claims Administrator will take the following steps.

- 26. A Notice of Missing Information will be sent to the Claimant, who will have up to one year from the notice date to provide the missing information.
- 27. If Claimants are unable to provide the missing information within the one year period, they may request an extension from the Claims Administrator.
- 28. The Claims Administrator will send three notices, the last one 300 days after the Notice of Missing Information. If the missing information has not been received in the 60-day period following the issuance of the Final Notice, the Claims Administrator will send a

Notice of Claim Denial, along with a Reconsideration Form and instructions on how to submit a Reconsideration Request.