

Federal Court



Cour fédérale

Date: 20230530

Manitoba Court of King's Bench File No.: CI-19-01-24661

Docket: T-1673-19

Ottawa, Ontario, May 30, 2023

PRESENT: The Honourable Mr. Justice Favel

BETWEEN:

Docket: CI-19-01-24661

**TATASKWEYAK CREE NATION AND CHIEF
DOREEN SPENCE ON HER OWN BEHALF
AND ON BEHALF OF ALL MEMBERS OF TATASKWEYAK CREE NATION**

Plaintiffs

and

ATTORNEY GENERAL OF CANADA

Defendant

*(Class Proceeding commenced under
The Class Proceedings Act, CCSM. c. C. 130)*

AND BETWEEN:

Docket: T-1673-19

**CURVE LAKE FIRST NATION AND
CHIEF EMILY WHETUNG ON HER OWN BEHALF
AND ON BEHALF OF ALL MEMBERS OF CURVE LAKE FIRST NATION AND
NESKANTAGA FIRST NATION AND
CHIEF CHRISTOPHER MOONIAS ON HIS OWN
BEHALF AND ON BEHALF OF ALL MEMBERS OF
NESKANTAGA FIRST NATION**

Plaintiffs

and

ATTORNEY GENERAL OF CANADA

Defendant

(Class Proceeding commenced under Part 5.1 of the
Federal Courts Rules, SOR/98-106)

ORDER

THIS MOTION for an Order in respect of administrative matters under the settlement agreement between the Plaintiffs and the Defendant dated September 15, 2021 (the “**Settlement Agreement**”), was heard in writing. Capitalized terms used in this Order have the same meaning as in the Settlement Agreement unless otherwise defined.

ON READING the motion record of the Representative Plaintiffs and the Defendants (together, the “**Parties**”);

THIS COURT ORDERS:

1. The “**Minors Protocol**” attached here to as **Schedule “A”** including the form of “**Attestations**” appended thereto is approved under ss. 1.16 and 13.03 of the Settlement Agreement.
2. In accordance with the Minors Protocol, a Personal Representative is eligible to receive funds owing to a minor if they have de facto custody (i.e., care and control) of the minor or custody in accordance with Indigenous tradition and customary practices.

3. In respect of minor children resident in Manitoba, the Administrator is authorized to deliver to the Minor Child's Personal Representative (in accordance with the Minors Protocol) any payment of Individual Damages and, if applicable, Specified Injuries Compensation, to which the minor child is entitled so long as it does not exceed the amount of \$10,000.
4. The payment of \$1,710,478.88 to the Administrator for fees and disbursements for December 2022, January 2023, and February 2023 is confirmed.
5. The payment of legal fees and disbursements totalling \$935,579.60 inclusive of taxes, for ongoing legal services rendered by Class Counsel and the Joint Committee for Q1 2023 in accordance with ss. 18.02(4) and 15.01(8) is approved and payment is ordered.
6. There shall be no costs of the within motion.

"Paul Favel"

Judge

"Glenn D. Joyal"

C.J.K.B.

SCHEDULE “A”

Minors Protocol

1. Relationship to Settlement Agreement

- (a) Terms used in this Minors Protocol and not otherwise defined have the meaning set out in the Settlement Agreement.
- (b) Nothing in this Minors Protocol detracts from the principles governing claims administration in s. 7.01 of the Settlement Agreement.
- (c) In this Minors Protocol, a “**Minor Child**” is a person who, as of the date the Administrator is to make a payment under the Settlement Agreement to that person, has not reached the age of majority in their province of residence.
- (d) This Minors Protocol applies where
 - (i) the Administrator has determined a Minor Child is a Confirmed Individual Class Member under s. 7.02 of the Settlement Agreement; or
 - (ii) the Third-Party Assessor has determined that a Minor Child is a Confirmed Individual Class Member under the Claims Process.
- (e) Decisions of this Administrator under this Minors Protocol may be appealed to the Third-Party Assessor in accordance with the Claims Process.

2. Eligible Payment Recipients

- (a) Under this Minors Protocol, an “**Eligible Payment Recipient**” is a Personal Representative who, depending on the jurisdiction within which the Minor Child resides, is entitled to receive all or part of the Minor Child’s Individual Damages and/or Specified Injuries Compensation, on the Minor Child’s behalf, by virtue of being, inter alia:
 - (i) a trustee or guardian of the Minor Child’s property;
 - (ii) a parent of the Minor Child, with whom the Minor Child resides; or,
 - (iii) a person with lawful custody or guardianship of the Minor Child (i.e., an adult with parental responsibilities or day-to-day care and control over the Minor Child).
- (b) The Administrator shall determine whether a Minor Child’s Personal Representative is an Eligible Payment Recipient promptly after:
 - (i) the Administrator or, as the case may be, the Third Party Assessor determines that the Minor Child is a Confirmed Individual Class Member under s. 7.02 of the Settlement Agreement;

- (ii) if applicable, the Administrator or, as the case may be, the Third Party Assessor, has made a Specified Injuries Decision; and,
 - (iii) the Administrator has calculated the Minor Child's entitlement to Individual Damages and, if applicable, Specified Injuries Compensation (the "**Minor Payment**").
- (c) Notwithstanding subsection 2(b) above, in respect of Claims received on behalf of a Minor Child prior to March 7, 2023 (a "**Pre-Extension Minor Claim**") and irrespective of whether the Pre-Extension Minor Claim includes a claim for Specified Injuries, the Administrator shall determine whether a Minor Child's Personal Representative is an Eligible Payment Recipient promptly after:
- (i) the Administrator or, as the case may be, the Third Party Assessor determines that the Minor Child is a Confirmed Individual Class Member under s. 7.02 of the Settlement Agreement; and,
 - (ii) the Administrator has calculated the Minor Child's entitlement to Individual Damages only (the "**Interim Minor Payment**").
- (d) Notwithstanding subsection 2(b) and 2(c) above, in respect of Pre-Extension Minor Claims, the Administrator shall not process any Minor Child's claim for Specified Injuries contained in a Pre-Extension Minor Claim until after the Claims Deadline, at which time the Administrator shall perform a separate determination as to whether a Minor Child's Personal Representative is an Eligible Payment Recipient promptly after:
- (i) if applicable, the Administrator or, as the case may be, the Third Party Assessor, has made a Specified Injuries Decision; and,
 - (ii) the Administrator has calculated the Minor Child's entitlement to Specified Injuries Compensation (the "**Pre-Extension SI Minor Payment**").
- (e) For greater certainty, for the purposes of determining whether a Minor Child's Personal Representative is an Eligible Payment Recipient of a Minor Child's Interim Minor Payment and/or Pre-Extension SI Minor Payment, any Interim Minor Payment and Pre-Existing SI Minor Payment will be treated as separate payment obligations owing to the Minor Child.

3. Administrator's Reliance on Attestations

- (a) For the purpose of determining whether a Minor Child's Personal Representative is an Eligible Payment Recipient of the Minor Payment, Interim Minor Payment, and/or Pre-Existing SI Minor Payment, as the case may be, under this Minors Protocol, the Administrator is entitled to request and rely on a jurisdiction-specific attestation completed by the Minor Child's Personal Representative in the form appended hereto as "**Appendix A**" or in such substantially similar forms as the

Parties may hereafter agree, in consultation with the Administrator (the “**Attestations**”).

- (b) Notwithstanding any other provisions herein, the Administrator shall make the attestation forms available on the Administrator’s website, and shall provide hard copies of the attestations on request from First Nations or individual claimants.
- (c) Upon the occurrence, as applicable, of the events set out in sections 2(b) , 2(c), or 2(d) above, the Administrator may send to the Minor Child’s Personal Representative, a copy of the applicable Attestation (based on the Minor Child’s province of residence), to the extent the Administrator deems it necessary, having regard to the quantum of the Minor Payment, Interim Minor Payment, and/or Pre-Existing SI Minor Payment, as the case may be, and any applicable legislative or regulatory limits on the amount an Eligible Payment Recipient may receive on behalf of a Minor Child.
- (d) The Administrator shall send the Attestation required under s. 3(c) in the manner and to the address that the Administrator believes is most likely to be received by the Minor Child’s Personal Representative.
- (e) The Administrator shall instruct the Minor Child’s Personal Representatives to return a completed Attestation within 60 days of receipt.
- (f) If the Administrator does not receive a completed Attestation within 90 days of sending the Attestation to the Minor Child’s Personal Representative, the Administrator is entitled to proceed under ss. 4-5, notwithstanding the absence of an Attestation.
- (g) Notwithstanding the rest of s. 3, the Administrator shall not send a form of Attestation in respect of a Minor Child resident in Prince Edward Island.
- (h) For greater certainty, and in accordance with s. 7.01 of the Settlement Agreement, the Administrator shall assume that an Attestation is truthful and accurate unless the Administrator is aware of evidence to the contrary.

4. Administrator’s Allocation of Minor Child Amounts

- (a) The Administrator shall pay any Minor Payment, Interim Minor Payment, and/or Pre-Existing SI Minor Payment, as the case may be, (each a “**Payment Obligation**”) in accordance with s. 5, as informed by any claims forms and/or any Attestation it receives from a Minor Child’s Personal Representative in accordance with s. 3.
- (b) If, under s. 5, the Administrator is directed to make a payment to a Public Guardian and Trustee or similar entity that is not willing to accept the payment, then the Administrator shall not make the payment, but shall account for the Minor Child’s entitlement for the purpose of determining the availability of

sufficient funds as provided for in the Settlement Agreement, and no amount shall be paid in respect of that Minor Child pending further direction of the Courts.

5. Minor Payment Process by Province

I. British Columbia:

- (a) If the Minor Child's Personal Representative is an Eligible Payment Recipient by virtue of being:
- (i) a "trustee of the Minor Child's property", then the Administrator shall pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient;
 - (ii) a "parent" and/or "guardian" of the Minor Child with parental responsibilities to make day-to-day decisions affecting the child, then the Administrator will pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient, unless the Payment Obligation exceeds \$10,000, in which case the Administrator shall direct payment to the Public Guardian and Trustee.
- (b) If the Personal Representative elected not to receive the Payment Obligation or is not able to establish that they are an Eligible Payment Recipient on account of not providing one of the necessary attestations or a properly completed Attestation form, then the Administrator shall direct payment to the Public Guardian and Trustee.

II. Alberta

- (a) If the Minor Child's Personal Representative is an Eligible Payment Recipient by virtue of being:
- (i) a "trustee of the Minor Child's property", then the Administrator shall pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient;
 - (ii) a "parent" and/or "guardian" of the Minor Child with the power and responsibility to make day-to-day decisions affecting the Minor Child, then then the Administrator will pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient, unless the Payment Obligation exceeds \$25,000, in which case the Administrator shall direct payment to the Public Guardian and Trustee.
- (b) If the Personal Representative elected not to receive the Payment Obligation or is not able to establish that they are an Eligible Payment Recipient on account of not providing one of the necessary attestations or a properly completed Attestation form, then the Administrator shall direct payment to the Public Guardian and Trustee.

III. Saskatchewan

- (a) If the Minor Child's Personal Representative is an Eligible Payment Recipient by virtue of being:
- (i) a "parent" or "guardian of property" who has also provided the necessary security to the applicable court registrar, under section 49 of the Children's Law Act, 2020, SS 2020, c. 2 (the "**SK Security**") or has obtained a court order dispensing with the need for the SK Security, then the Administrator shall pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient;
 - (ii) a "responsible adult acting on the infants behalf", then the Administrator will seek authorization from the Public Guardian and Trustee to pay the entire Payment Obligation to the Personal Representative/Eligible Recipient, unless the Payment Obligation exceeds \$10,000, in which case that Administrator will request that the Public Guardian and Trustee accept payment;
- (b) If the Personal Representative elected not to receive the Payment Obligation or is not able to establish that they are an Eligible Payment Recipient on account of not providing one of the necessary attestations or a properly completed Attestation form, then the Administrator will request that the Public Guardian and Trustee accept payment.

IV. Manitoba

- (a) If the Minor Child's Personal Representative is an Eligible Payment Recipient by virtue of being:
- (i) a "guardian of the estate of the Minor Child," then the Administrator shall pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient;
 - (ii) a "parent" and/or "guardian" of the Minor Child, then the Administrator will pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient, unless the Payment Obligation exceeds \$10,000, in which case the Administrator shall direct payment to the Public Guardian and Trustee.
- (b) If the Personal Representative elected not to receive the Payment Obligation or is not able to establish that they are an Eligible Payment Recipient on account of not providing one of the necessary attestations or a properly completed Attestation form, then the Administrator shall direct payment to the Public Guardian and Trustee.

V. Ontario

- (a) If the Minor Child's Personal Representative is an Eligible Payment Recipient by virtue of being:
- (i) The "guardian of the Minor Child's Property", then the Administrator shall pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient;
 - (ii) A "parent with whom the Minor Child resides" or the "lawful custodian of the Minor Child" then the Administrator will pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient, unless the Minor Payment, Interim Minor Payment, and/or Pre-Existing SI Minor Payment, as the case may be, exceeds \$35,000, in which case the Administrator shall pay up to \$35,000 of the Payment Obligation to the Personal Representative/Eligible Payment Recipient and direct the remainder to the Accountant of the Ontario Superior Court of Justice (the "Ontario Accountant").
- (b) If the Personal Representative elected not to receive the Payment Obligation or is not able to establish that they are an Eligible Payment Recipient on account of not providing one of the necessary attestations or a properly completed Attestation form, then the Administrator shall direct payment to the Ontario Accountant.

VI. Quebec

- (a) If the Minor Child's Personal Representative is an Eligible Payment Recipient by virtue of being:
- (i) The "parent (legal tutor)", parent appointed guardian (suppletive tutor), or court appointed guardian (dative tutor), then the Administrator shall pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient.
 - (b) If the Personal Representative elected not to receive the Payment Obligation or is not able to establish that they are an Eligible Payment Recipient on account of not providing one of the necessary attestations or a properly completed Attestation form, then the Administrator shall direct payment to the Public Curator (if the Payment Obligation exceeds \$40,000) or to the Director of Youth Protection (if the Payment Obligation does not exceed \$40,000).

VII. New Brunswick:

- (a) If the Minor Child's Personal Representative is an Eligible Payment Recipient by virtue of being:

- (i) a “parent” or “parent appointed guardian”, then the Administrator shall pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient;
 - (ii) a “court-appointed guardian” with authority to manage the child’s property under the appointing court order, then the Administrator shall pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient.
- (b) If the Personal Representative elected not to receive the Payment Obligation or is not able to establish that they are an Eligible Payment Recipient on account of not providing one of the necessary attestations or a properly completed Attestation form, then the Administrator shall direct payment to the Public Trustee.

VIII. Prince Edward Island

- (a) the Administrator will pay the Payment Obligation to the Public Trustee.

IX. Nova Scotia

- (a) If the Minor Child’s Personal Representative is an Eligible Payment Recipient by virtue of being:
- (i) The “guardian of the Minor Child’s Property”, then the Administrator shall pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient;
 - (ii) A “parent with whom the Minor Child resides” or the “guardian” of the child” then the Administrator will pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient, unless the Payment Obligation exceeds \$2,000, in which case the Administrator shall pay up to \$2,000 of the Payment Obligation to the Personal Representative/Eligible Payment Recipient and the remainder to the Public Trustee.
- (b) If the Personal Representative elected not to receive the Payment Obligation or is not able to establish that they are an Eligible Payment Recipient on account of not providing one of the necessary attestations or a properly completed Attestation form, then the Administrator shall direct payment to the Public Trustee.

X. Newfoundland and Labrador

- (a) If the Minor Child’s Personal Representative is an Eligible Payment Recipient by virtue of being:

- (i) The “guardian of the Minor Child’s Property”, then the Administrator shall pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient;
 - (ii) A “parent with whom the Minor Child resides” or the “lawful custodian of the Minor Child” then the Administrator will pay the entire Payment Obligation to the Personal Representative/Eligible Payment Recipient, unless the Payment Obligation exceeds \$2,000, in which case the Administrator shall pay up to \$2,000 of the Payment Obligation to the Personal Representative/Eligible Payment Recipient and the remainder to the Public Guardian and Trustee.
- (b) If the Personal Representative elected not to receive the Payment Obligation or is not able to establish that they are an Eligible Payment Recipient on account of not providing one of the necessary attestations or a properly completed Attestation form, then the Administrator shall direct payment to the Public Guardian and Trustee.

6. Administrator’s Reliance on Letters from Children’s Aid Societies/Agencies

- (a) Notwithstanding sections 3 to 5 of this Minors Protocol, if the Administrator receives from a Minor Child’s Personal Representative (either at the time of submitting the Claims Form or in response to a request for an Attestation):
- (i) a copy of a letter from the local Child and Family Services agency confirming that the Minor Child’s Personal Representative is the primary caregiver of the Minor Child pursuant to an agreement between the applicable agency and the Personal Representative (in the form appended hereto as “**Appendix B**” or in such substantially similar forms as may be acceptable to the Administrator), or
 - (ii) a letter from the Chief or a Councillor of the First Nation of which the Minor Child is a member confirming that the Minor Child’s Personal Representative is the primary caregiver of the Minor Child pursuant to a customary care arrangement;

then the Administrator will recognize the Personal Representative as an Eligible Payment Recipient.

- (b) In the event a Personal Representative is a Eligible Payment Recipient by virtue of section 6(a), then the Administrator will pay the Payment Obligation pursuant to section 5 and will proceed, for the purposes of section 5, as though the Personal Representative/Eligible Payment Recipient (under section 6(a)) had delivered an attestation that they were, depending on the applicable jurisdiction, the “lawful custodian”, “guardian” (not of property), suppletive or dative tutor, or “responsible adult acting on the infants behalf”.

APPENDIX “A”

ALBERTA – ATTESTATION OF PERSONAL REPRESENTATIVE

You have submitted a claim as Personal Representative of a minor child who resides in Alberta and who is eligible for money under the First Nations Drinking Water Settlement Agreement.

We are asking you to complete this form so that the minor child's money is processed correctly. You have options in completing this form. Please choose one option only:

- **Option A**: You can choose to have the minor child's money paid to the Public Trustee in Alberta. This means that the minor child's money will be held in a public trust until they turn 18.

To choose this, check the box under A – Election. **This option is also the default and will apply if you do not return this form.**

OR

- **Option B**: You can attest (make a legal statement to the best of your knowledge) that one of the situations under B is true. In this case, some or all the minor child's money will be paid to you on their behalf.

Please read the statements fully. In brief, these options are:

- **B-1** – You are the trustee of the minor child's property, under a trust document or a court order; **OR**
- **B-2** – You are the minor child's mother or father with the power and responsibility to make day-to-day decisions affecting the minor child; **OR**
- **B-3** – You are the minor child's guardian (for example, you have the power and responsibility to make day-to-day decisions affecting the minor child)

Only the trustee of the minor child's property will be able to receive all the minor child's money on the child's behalf. If you are a person with the power and responsibility to make day-to-day decisions affecting the minor child, we can make the payment to you as long as the money the minor child is entitled to is \$25,000 or less. If the minor child is entitled to more than \$25,000, all of the money will need to go to the Public Trustee of Alberta to be held in trust for the minor child until they turn 18.

You may only choose ONE option: in other words, please make one election (check box A) or make one attestation (complete one section of B).

You'll also see, on the last page, an acknowledgement. This needs to be signed if you are the minor child's parent (B-2) or the minor child's guardian (B-3). This is confirming that the money you are receiving is for the minor child and will be spent only for the minor child or saved for the minor child. Please read this through before signing.

If you need help with this form there are three teams of people available to help.

<p>The Hope for Wellness Team offers comfort and emotional support. They can help you if you are experiencing emotional distress.</p> <p>You can reach them toll-free on our Wellness Help Line at 1-855-242-3310 or online at www.hopeforwellness.ca</p>	<p>The Administrator handles claim applications and payments. They can help you with the claims process, including with filling in this Attestation. Start with them if you have a question and don't know who to ask.</p> <p>You can reach them toll-free on our Administrator Help Line at 1-833-252-4220.</p>	<p>The Class Counsel Team are your lawyers. They work for you, calls are confidential, and there's no charge to talk with them.</p> <p>They can help you with claims for Specified Injuries Compensation or legal questions about the class action settlement.</p> <p>You can reach them toll-free on our Class Counsel Help Line at 1-833-265-7589.</p>
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A. ELECTION – Payment to the Public Trustee of Alberta

- I _____ of the Province of _____, request that any compensation to which _____ (the minor child) is entitled be deposited with the Public Trustee of Alberta.

B. ATTESTATION – Payment to Representative

You may complete only ONE of following three attestations.

1. Trustee of Minor Child's Property (Trust Instrument or Court Order)

I _____ of the Province of _____, declare and attest that all of the following statements are true.

I am a trustee of the property of the minor child _____ (the "Child"), by virtue of (check only one):

- the enclosed court order, dated _____;

OR

- the enclosed trust instrument (document), dated _____;

I am the only trustee of the property of the Child or I have submitted this claim with the consent/approval of the other trustee(s) of the property of the Child; and,

The Child does not have a public guardian (such as the Public Guardian of Alberta or Child and Family Services);

The Child does not have any legal obligation to support another person.

Date: _____

<p>_____</p> <p>Witness</p>	<p>_____</p> <p>Trustee's Signature</p>
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2. Parental Attestation

I _____ of the Province of _____, declare and attest that all of the following statements are true.

I am the mother or father of the minor child _____ (the "Child") with the power and responsibility to make day to day decisions affecting the Child;

To the best of my knowledge, no trustees of the property of the Child have been appointed by a court or trust instrument;

There are no guardianship or parenting orders or other legal restrictions impacting my ability to act as guardian for the Child;

The Child does not have a public guardian (such as the Public Guardian of Alberta or Child and Family Services);

There is no other guardian in respect of the Child or I have submitted this claim with the consent/approval of any such persons;

The Child does not have any legal obligation to support another person; and,

I have completed and enclose the Acknowledgement appended hereto as Schedule "A".

Date: _____

<p>_____</p> <p>Witness</p>	<p>_____</p> <p>Parent's Signature</p>
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3. Guardian Attestation

I _____ of the Province of _____, declare and attest that all of the following statements are true.

I am the guardian of the minor child _____ (the “Child”) with the power and responsibility to make day to day decisions affecting the Child by virtue of (check only one):

- the enclosed court order made by the court dated _____;
- the enclosed deed or will of the Child’s parent, _____, who is now deceased;

OR

- the customs or traditions of the First Nation community or people to which the Child belongs.

To the best of my knowledge, no trustees of the property of the Child have been appointed by a court or trust instrument;

There are no court orders restricting my ability to act as guardian for the Child;

The Child does not have a public guardian (such as the Office of the Public Guardian of Alberta or Child and Family Services);

There is no other guardian of the Child or I have submitted this claim with the consent/approval of any such persons;

The Child does not have any legal obligation to support another person; and,

I have completed and enclose the Acknowledgement appended hereto as Schedule “A”.

Date: _____

Witness

Guardian’s Signature

SCHEDULE "A"**Guardian's Acknowledgment of Responsibility**

This acknowledgment of responsibility is given by

Name _____
 Address _____

1 This acknowledgment of responsibility relates to the minor child, _____, who was born on _____ (day, month, year) .

2 I am the minor child's guardian because I am

- the minor child's mother or father
- appointed guardian by the deed (including customary or kinship care arrangement) of the minor child's parent, _____, (name of parent) or by will of the minor child's parent, _____ (name of parent), who is now deceased;
- appointed guardian by a court order dated _____.

3 I have the power and responsibility to make day-to-day decisions affecting the minor child.

4 I request that Deloitte deliver to me, to hold as trustee for the minor child, money or other property of a total value of \$_____ that Deloitte is holding for the minor child.

5 I will use or expend the money or other property only for the minor child's benefit.

6 When the minor child reaches the age of 18 years I will account to the minor child and transfer the balance of the money or other property remaining at that time to the minor child.

Date _____

Guardian's Signature _____

Witness _____

BRITISH COLUMBIA – ATTESTATION OF PERSONAL REPRESENTATIVE

You have submitted a claim as Personal Representative of a **minor child** who resides in British Columbia and who is eligible for money under the First Nations Drinking Water Settlement Agreement.

We are asking you to complete this form so that the minor child's money is processed correctly. You have options in completing this form. Please choose **one** option only:

- **Option A:** You can choose to have the minor child's money paid to the Public Guardian and Trustee of British Columbia. This means that the minor child's money will be held in a public trust until they turn 19.

To choose this, check the box under A – Election. **This option is also the default and will apply if you do not return this form.**

OR

- **Option B:** You can attest (make a legal statement to the best of your knowledge) that **one** of the situations under B is true. In this case, some or all the minor child's money will be paid to you on their behalf.

Please read the statements fully. In brief, these options are:

- **B-1** – You are the trustee of the minor child's property, with a trust document or court order; **OR**
- **B-2** – You are the minor child's parent, with parental responsibilities to make day-to-day decisions affecting the minor child; **OR**
- **B-3** – You are the minor child's guardian (for example, you are not the parent but you have the parental responsibility to make day-to-day decisions affecting the minor child)

Only a trustee of the minor child's property will be able to receive all the minor child's money on the child's behalf. If you are the minor child's parent or guardian with the parental responsibility to make day-to-day decisions affecting the minor child, we can make the payment to you as long as the money the minor child is entitled to is \$10,000 or less. If the minor child is entitled to more than \$10,000, all of the money will need to go to the Public Guardian and Trustee of British Columbia, to be held in trust for the minor child until they turn 19.

You may only choose ONE option: in other words, please make one election (check box A) or make one attestation (complete one section of B).

You'll also see, on the last page, an acknowledgement. This needs to be signed if you are the minor child's parent (B-2) or the minor child's guardian (B-3). This is confirming that the money

you are receiving is for the minor child, and will be spent only for the minor child or saved for the minor child. Please read this through before signing it.

If you need help with this form there are three teams of people available to help.

<p>The Hope for Wellness Team offers comfort and emotional support.</p> <p>They can help you if you are experiencing emotional distress.</p> <p>You can reach them toll-free on our Wellness Help Line at 1-855-242-3310 or online at www.hopeforwellness.ca</p>	<p>The Administrator handles claim applications and payments.</p> <p>They can help you with the claims process, including with filling in this Attestation. Start with them if you have a question and don't know who to ask.</p> <p>You can reach them toll-free on our Administrator Help Line at 1-833-252-4220.</p>	<p>The Class Counsel Team are your lawyers. They work for you, calls are confidential, and there's no charge to talk with them.</p> <p>They can help you with claims for Specified Injuries Compensation or legal questions about the class action settlement.</p> <p>You can reach them toll-free on our Class Counsel Help Line at 1-833-265-7589.</p>
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A. ELECTION – Payment to the Public Guardian and Trustee of British Columbia

I _____ of the Province of _____, request that any compensation to which _____ (the minor child) is entitled be deposited with the Public Guardian and Trustee of British Columbia.

B. ATTESTATION – Payment to Representative

You may complete only ONE of following three attestations. If you complete a parental or guardian attestation (B-2 or B-3), you must also complete and submit the Acknowledgement attached at Schedule "A".

1. Trustee of Minor Child's Property (Trust Instrument or Court Order)

I _____ of the Province of _____, declare and attest that all of the following statements are true.

I am a trustee of the property of the minor child _____ (the "Child"), appointed under the enclosed:

court order, dated _____;

OR

trust instrument (document), dated _____;

I am the only trustee of the property of the Child or I have submitted this claim with the consent/approval of the other trustee(s) of the property of the Child; and,	
The Child does not have a public guardian (such as the Public Guardian and Trustee of B.C.);	
The Child does not have any duty to support another person.	
Date: _____	
_____	_____
Witness	Trustee's Signature

2. <u>Parental Attestation</u>
I _____ of the Province of _____, declare and attest that all of the following statements are true.
I am the mother or father of the minor child _____ (the "Child") with parental responsibilities to make day-to-day decisions affecting the Child;
To the best of my knowledge, no trustees of the property of the Child have been appointed by a court or trust instrument;
There are no agreements or court orders or other legal restrictions impacting my ability to act as guardian for the Child;
The Child does not have a public guardian (such as the Public Guardian and Trustee of B.C.);
There is no other guardian in respect of the Child or I have made this claim in consultation with the Child's other guardians;
The Child does not have any duty to support another person; and
I have completed and enclose the Acknowledgement appended hereto as Schedule "A".
Date: _____

<p style="text-align: center;">_____</p>	<p style="text-align: center;">_____</p>
Witness	Parent's Signature

3. Guardian Attestation

I _____ of the Province of _____, declare and attest that all of the following statements are true.

I am the guardian of the minor child _____ (the "Child") with the parental responsibility to make day-to-day decisions affecting the Child pursuant to:

- the enclosed court order made by the court dated _____;
- the enclosed will of the Child's parent, _____, who is now deceased;
- the enclosed appointment of standby guardian by the existing guardian, _____, who is facing terminal illness or permanent mental incapacity;

OR

- the customs or traditions of the First Nation community or people to which the Child belongs.

To the best of my knowledge, no trustees of the property of the Child have been appointed by a court or trust instrument;

There are no agreements or court orders or other legal restrictions impacting my ability to act as guardian for the Child;

The Child does not have a public guardian (such as the Public Guardian and Trustee of B.C.);

There is no other guardian in respect of the Child or I have made this claim in consultation with the Child's other guardians;

The Child does not have any duty to support another person; and,

I have completed and enclose the Acknowledgement appended hereto as Schedule "A".

Date: _____

Witness

Guardian's Signature

SCHEDULE "A"
GUARDIAN'S ACKNOWLEDGEMENT — CHILDREN'S PROPERTY

1 I, _____ [name], of
 _____ [address], _____
 [occupation], am the guardian of _____ [name of child] born
 _____ [birthdate of child — mmm/dd/yyyy].

2 I have the parental responsibility to make day-to-day decisions affecting the minor child.

3 I request Deloitte deliver to me, to hold as trustee for the minor child, money or other property of a total value of \$ _____ that Deloitte is holding for the minor child and has a duty to deliver to the minor child.

4 I confirm that when I receive the money or other property referred to in section 3, the total value of money and property that I will have received to hold as trustee for the minor child under section 178 of the *Family Law Act* will not exceed the amount prescribed by section 24 of the Family Law Act Regulation. [Note: the amount prescribed is \$10,000]

5 I will hold the money or other property in trust for the minor child.

6 I will keep the minor child's money or other property separate from my own.

7 I will use or expend the money or other property for the sole benefit of the minor child.

8 I will not profit from my role as trustee of the minor child's money or other property.

9 I will account to the minor child at any time that the minor child requests and when the minor child reaches 19 years of age I will account to the minor child and transfer the balance of the money or other property remaining at that time and all interest earned on it to the minor child.

Date: _____
 [mmm/dd/yyyy] Signature of guardian

This acknowledgement was signed in the presence of

WITNESS [The witness to this acknowledgement must be at least 19 years of age.]

Name:

.....

Address:

.....

Occupation:

.....

Signature of witness

.....

MANITOBA – ATTESTATION OF PERSONAL REPRESENTATIVE

You have submitted a claim as Personal Representative of a **minor child** who resides in Manitoba and who is eligible for compensation under the First Nations Drinking Water Settlement Agreement.

We are asking you to complete this form so that the minor child's money is processed correctly. You have options in completing this form. Please choose **one** option only:

- **Option A:** You can choose to have the minor child's money paid to the Public Guardian and Trustee of Manitoba. This means that the minor child's money will be held in a public trust until they turn 18.

To choose this, check the box under A – Election. **This option is also the default and will apply if you do not return this form.**

OR

- **Option B:** You can attest (make a legal statement to the best of your knowledge) that **one** of the situations under B is true. In this case, some or all the minor child's money will be paid to you on their behalf.

Please read the statements fully. In brief, these options are:

- **B-1** – You are the minor child's guardian of the estate, under a court order; **OR**
- **B-2** – You are the minor child's parent and they reside with you; **OR**
- **B-3** – You are the minor child's guardian (for example, they live with you and you have day-to-day care and control of the minor child)

Only a court-appointed guardian of the estate will be able to receive all the minor child's money on the child's behalf. If you are the parent and the minor child resides with you or if you are the guardian of the minor child, we can make the payment to you as long as the money the minor child is entitled to is \$10,000 or less. If the minor child is entitled to more than \$10,000, then the entire amount will need to go to the Public Guardian and Trustee of Manitoba.

You may only choose ONE option: in other words, please make one election (check box A) or make one attestation (complete one section of B).

If you need help with this form there are three teams of people available to help.

<p>The Hope for Wellness Team offers comfort and emotional support. They can help you if you are experiencing emotional distress.</p>	<p>The Administrator handles claim applications and payments. They can help you with the claims process, including with</p>	<p>The Class Counsel Team are your lawyers. They work for you, calls are confidential, and there's no charge to talk with them.</p>
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<p>You can reach them toll-free on our Wellness Help Line at 1-855-242-3310 or online at www.hopeforwellness.ca</p>	<p>filling in this Attestation. Start with them if you have a question and don't know who to ask. You can reach them toll-free on our Administrator Help Line at 1-833-252-4220.</p>	<p>They can help you with claims for Specified Injuries Compensation or legal questions about the class action settlement. You can reach them toll-free on our Class Counsel Help Line at 1-833-265-7589.</p>
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A. ELECTION – Payment to the Public Guardian and Trustee of Manitoba

- I _____ of the Province of _____, request that any compensation to which _____ (the minor child) is entitled be deposited with the Public Guardian and Trustee of Manitoba.

B. ATTESTATION – Payment to Representative

You may complete only ONE of the following three attestations.

1. Guardian of the Estate Attestation (Requires Court Order)

I _____ of the Province of _____, declare and attest that all of the following statements are true.

I am a guardian of the estate of the minor child _____ (the “Child”), appointed by the enclosed court order, dated _____;

I have complied with any court orders related to the deposit of security in my capacity as a guardian of the estate of the Child;

I am the only guardian of the estate of the Child or I have submitted this claim with the consent/approval of the other guardian(s) of the estate of the Child; and,

The Child does not have a public guardian (such as the Public Guardian and Trustee);

The Child does not have any legal obligation to support another person.

Date: _____

Witness

Guardian's Signature

2. Parental Attestation

I _____ of the Province/Territory of _____, declare and attest that all of the following statements are true.

I am the parent of the minor child _____ (the “Child”) and the Child resides with me at _____;

To the best of my knowledge, no guardians of the estate of the Child have been appointed by a court;

There are no court orders or separation agreements restricting my decision-making abilities in respect of the Child;

There is no other person with decision-making authority in respect of the Child or I have submitted this claim with the consent/approval of any such persons;

The Child does not have a public guardian (such as the Public Guardian and Trustee);

The Child does not have any legal obligation to support another person.

Date: _____

Witness

Parent’s Signature

3. Guardian of Person Attestation

I _____ of the Province of _____, declare and attest that all of the following statements are true.

I am the guardian of the person of the minor child of _____ (the “Child”) by virtue of (check only one):

- the enclosed court order, dated _____;
- the customs or traditions of the First Nation community or people to which the Child belongs.

To the best of my knowledge, no guardians of the property of the Child have been appointed by a court;	
There are no court orders restricting my decision-making abilities in respect of the Child;	
There is no other person with decision-making authority in respect of the Child or I have submitted this claim with the consent/approval of any such persons;	
The Child does not have a public guardian (such as the Public Guardian and Trustee);	
The Child does not have any legal obligation to support another person.	
Date: _____	
_____	_____
Witness	Guardian's Signature

NEW BRUNSWICK – ATTESTATION OF PERSONAL REPRESENTATIVE

You have submitted a claim as Personal Representative of a **minor child** who resides in New Brunswick and who is eligible for money under the First Nations Drinking Water Settlement Agreement.

We are asking you to complete this form so that the minor child's money is processed correctly. You have options in completing this form. Please choose **one** option only:

- **Option A:** You can choose to have the minor child's money paid to the Public Trustee of New Brunswick. This means that the minor child's money will be held in a public trust until they turn 19.

To choose this, check the box under A – Election. **This option is also the default and will apply if you do not return this form.**

OR

- **Option B:** You can attest (make a legal statement to the best of your knowledge) that one of the situations under B is true. In this case, some or all the minor child's money will be paid to you on their behalf.

Please read the statements fully. In brief, these options are:

- B-1 – You are the minor child's parent and the minor child lives with you; **OR**
- B-2 – You are the minor child's guardian (for example, you have been appointed guardian by the court or child's parents).

You may only choose ONE option: in other words, please make one election (check box A) or make one attestation (complete one section of B).

If you need help with this form there are three teams of people available to help.

<p>The Hope for Wellness Team offers comfort and emotional support.</p> <p>They can help you if you are experiencing emotional distress.</p> <p>You can reach them toll-free on our Wellness Help Line at 1-855-242-3310 or online at www.hopeforwellness.ca</p>	<p>The Administrator handles claim applications and payments.</p> <p>They can help you with the claims process, including with filling in this Attestation. Start with them if you have a question and don't know who to ask.</p> <p>You can reach them toll-free on our Administrator Help Line at 1-833-252-4220.</p>	<p>The Class Counsel Team are your lawyers. They work for you, calls are confidential, and there's no charge to talk with them.</p> <p>They can help you with claims for Specified Injuries Compensation or legal questions about the class action settlement.</p> <p>You can reach them toll-free on our Class Counsel Help Line at 1-833-</p>
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265-7589.

A. ELECTION – Payment to the Public Trustee of New Brunswick

- I _____ of the Province of _____, request that any compensation to which _____ (the minor child) is entitled be deposited with the Public Trustee of New Brunswick.

B. ATTESTATION – Payment to Representative

You may complete only ONE of the following attestations.

1. Parental (Guardian of Property) Attestation

I _____ of the Province of _____, declare and attest that all of the following statements are true.

I am the parent of the minor child _____ (the “Child”) and they reside with me;

I am the only guardian of property of the Child or I have submitted this claim with the consent/approval of the other guardian(s) of the property of the Child;

The Child does not have a public guardian (such as the Public Trustee or Minister of Social Development Brunswick);

There are no court orders restricting my abilities to receive any money due and payable to the Child and give a release for it; and

The Child does not have any legal obligation to support another person.

Date: _____

Witness

Parent’s Signature

2. Guardian of Property Attestation

I _____ of the Province of _____, declare and attest that all of the following statements are true.

<p>I am a guardian of the property of the minor child _____ (the “Child”) by virtue of (check only one):</p> <p><input type="checkbox"/> the enclosed court order, dated _____;</p> <p><input type="checkbox"/> the enclosed written appointed made by the Child’s parent(s), dated _____;</p> <p><input type="checkbox"/> the enclosed will of the Child’s parent _____, who is now deceased;</p> <p style="text-align: center;"><u>OR</u></p> <p><input type="checkbox"/> the customs or traditions of the First Nation community or people to which the Child belongs.</p>	
<p>There are no court orders removing me as guardian of the Child;</p>	
<p>If a guardian appointed by the Child’s parent, the parent has not revoked the appointment;</p>	
<p>The Child does not have a public guardian (such as the Public Trustee or Minister of Social Development of New Brunswick);</p>	
<p>There are no court orders restricting my right to receive any money due and payable to the Child and give a release for it.</p>	
<p>There are no other guardians of the Child or I have submitted this claim with the consent/approval of any such persons;</p>	
<p>The Child does not have any legal obligation to support another person.</p>	
<p>Date: _____</p>	
<p>_____</p> <p>Witness</p>	<p>_____</p> <p>Guardian’s Signature</p>

NEWFOUNDLAND & LABRADOR – ATTESTATION OF PERSONAL REPRESENTATIVE

You have submitted a claim as Personal Representative of a **minor child** who resides in Newfoundland and Labrador and who is eligible for money under the First Nations Drinking Water Settlement Agreement.

We are asking you to complete this form so that the minor child's money is processed correctly. You have options in completing this form. Please choose **one** option only:

- **Option A:** You can choose to have the minor child's money paid to the Public Trustee. This means that the minor child's money will be held in a public trust until they turn 19.

To choose this, check the box under A – Election. **This option is also the default and will apply if you do not return this form.**

OR

- **Option B:** You can attest (make a legal statement to the best of your knowledge) that **one** of the situations under B is true. In this case, some or all the minor child's money will be paid to you on their behalf.

Please read the statements fully. In brief, these options are:

- **B-1** – You are the minor child's guardian of property, under a court order; **OR**
- **B-2** – You are the minor child's parent and they reside with you; **OR**
- **B-3** – You have lawful custody of the minor child (for example, they live with you and you have day-to-day care and control of the minor child).

Only a court-appointed guardian of property will be able to receive all of the child's money on the child's behalf. If you are the minor child's parent and they reside with you, or if you have lawful custody of the minor child, up to \$2,000 can be paid to you. Anything above that amount will need to go to the Public Trustee to be held in trust for the child until they turn 19.

You may only choose ONE option: in other words, please make one election (check box A) or make one attestation (complete one section of B).

If you need help with this form there are three teams of people available to help.

<p>The Hope for Wellness Team offers comfort and emotional support.</p> <p>They can help you if you are experiencing emotional distress.</p> <p>You can reach them toll-free</p>	<p>The Administrator handles claim applications and payments.</p> <p>They can help you with the claims process, including with filling in this Attestation. Start</p>	<p>The Class Counsel Team are your lawyers. They work for you, calls are confidential, and there's no charge to talk with them.</p> <p>They can help you with claims for</p>
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<p>on our Wellness Help Line at 1-855-242-3310 or online at www.hopeforwellness.ca</p>	<p>with them if you have a question and don't know who to ask. You can reach them toll-free on our Administrator Help Line at 1-833-252-4220.</p>	<p>Specified Injuries Compensation or legal questions about the class action settlement. You can reach them toll-free on our Class Counsel Help Line at 1-833-265-7589.</p>
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A. ELECTION – Payment to the Public Trustee

- I _____ of the Province of _____, request that any compensation to which _____ (the minor child) is entitled be deposited with the Public Trustee.

B. ATTESTATION – Payment to Representative

You may complete only ONE of the following four attestations.

<p>1. <u>Guardian of the Property Attestation (Requires Court Order)</u></p> <p>I _____ of the Province of _____, declare and attest that all of the following statements are true.</p>	
<p>I am a guardian of the property of the minor child _____ (the "Child"), appointed by the enclosed court order, dated _____;</p>	
<p>I have complied with any court orders related to the posting of bond in my capacity as a guardian of the property of the Child;</p>	
<p>I am the only guardian of the property of the Child or I have submitted this claim with the consent/approval of the other guardian(s) of the property of the Child;</p>	
<p>There are no court orders restricting my right to receive any money due and payable to the Child and give a release for it;</p>	
<p>The Child does not have a public guardian (such as the Public Trustee);</p>	
<p>The Child does not have any legal obligation to support another person.</p>	
<p>Date: _____</p>	
<p>_____</p> <p>Witness</p>	<p>_____</p> <p>Guardian's Signature</p>

2. Parental Attestation

I _____ of the Province/Territory of _____, declare and attest that all of the following statements are true.

I am the parent of the minor child _____ (the “Child”) and the Child resides with me at _____;

To the best of my knowledge, no guardians of the property of the Child have been appointed by a court;

There are no court orders or separation agreements restricting my decision-making responsibilities in respect of the Child;

The Child does not have a public guardian (such as the Public Trustee); and

The Child does not have any legal obligation to support another person.

Date: _____

Witness

Parent’s Signature

3. Custodial Attestation

I _____ of the Provinces of _____, declare and attest that all of the following statements are true to the best of my knowledge.

I have lawful custody of the minor child _____ (“Child”) by virtue of (check one):

- the enclosed court order dated _____;
- the enclosed separation agreement dated _____;
- being appointed by the will of the Child’s parent _____, who is now deceased;

OR

- the customs or traditions of the First Nation community or people to which the Child belongs.

To the best of my knowledge, no guardians of the property of the Child have been appointed by a court;	
There are no court orders or separation agreements restricting my decision-making responsibilities in respect of the Child;	
The Child does not have a public guardian (such as the Public Trustee); and	
The Child does not have any legal obligation to support another person.	
Date: _____	
_____	_____
Witness	Custodian's Signature

NOVA SCOTIA – ATTESTATION OF PERSONAL REPRESENTATIVE

You have submitted a claim as Personal Representative of a **minor child** who resides in Nova Scotia and who is eligible for money under the First Nations Drinking Water Settlement Agreement.

We are asking you to complete this form so that the minor child's money is processed correctly. You have options in completing this form. Please choose **one** option only:

- **Option A:** You can choose to have the minor child's money paid to the Public Trustee of Nova Scotia. This means that the minor child's money will be held in a public trust until they turn 19.

To choose this, check the box under A – Election. **This option is also the default and will apply if you do not return this form.**

OR

- **Option B:** You can attest (make a legal statement to the best of your knowledge) that **one** of the situations under B is true. In this case, some or all the minor child's money will be paid to you on their behalf.

Please read the statements fully. In brief, these options are:

- **B-1** – You are the minor child's guardian of property, under a court order; **OR**
- **B-2** – You are the minor child's parent and they reside with you; **OR**
- **B-3** – You have lawful custody of the minor child; **OR**
- **B-4** – You are appointed as a guardian of person by the minor child's lawful custodian(s).

Only a court-appointed guardian of property will be able to receive all of the child's money on the child's behalf. If you are the minor child's parent and they reside with you, if you have lawful custody of the minor child, or you have been appointed as the minor child's guardian, up to \$2,000 can be paid to you. Anything above that amount will need to go to the Public Trustee of Nova Scotia to be held in trust for the child until they turn 19.

You may only choose ONE option: in other words, please make one election (check box A) or make one attestation (complete one section of B).

If you need help with this form there are three teams of people available to help.

<p>The Hope for Wellness Team offers comfort and emotional support. They can help you if you are experiencing emotional distress.</p>	<p>The Administrator handles claim applications and payments. They can help you with the claims process, including with</p>	<p>The Class Counsel Team are your lawyers. They work for you, calls are confidential, and there's no charge to talk with them.</p>
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<p>You can reach them toll-free on our Wellness Help Line at 1-855-242-3310 or online at www.hopeforwellness.ca</p>	<p>filling in this Attestation. Start with them if you have a question and don't know who to ask. You can reach them toll-free on our Administrator Help Line at 1-833-252-4220.</p>	<p>They can help you with claims for Specified Injuries Compensation or legal questions about the class action settlement. You can reach them toll-free on our Class Counsel Help Line at 1-833-265-7589.</p>
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A. ELECTION – Payment to the Public Trustee of Nova Scotia

- I _____ of the Provinces/Territory of _____, request that any compensation to which _____ (the minor child) is entitled be deposited with the Public Trustee of Nova Scotia.

B. ATTESTATION – Payment to Representative

You may complete only ONE of the following four attestations.

1. Guardian of Property Attestation (Requires Court Order)

I _____ of the Provinces/Territory of _____, declare and attest that all of the following statements are true.

I am a guardian of the property of the minor child _____ (the "Child"), appointed by the enclosed court order, dated _____;

I have complied with any court orders related to the deposit of security in my capacity as a guardian of the property of the Child;

I am the only guardian of property of the Child or I have submitted this claim with the consent/approval of the other guardian(s) of the property of the Child;

The Child does not have a public guardian (such as the Public Trustee of Nova Scotia); and

The Child does not have any legal obligation to support another person.

Date: _____

Witness

Guardian's Signature

2. Parental Attestation

I _____ of the Provinces/Territory of _____, declare and attest that all of the following statements are true.

I am the parent of the minor child _____ (the "Child") by virtue of:

- being the mother or father of the Child;
 demonstrating a settled intention to treat the Child as my own;

OR

- my obligation to pay support for the Child per the enclosed court order, dated _____.

The Child resides with me at _____;

To the best of my knowledge, no guardians of the property of the Child have been appointed by a court;

There are no court orders or parenting plan restricting my decision-making responsibilities in respect of the Child;

The Child does not have a public guardian (such as the Public Trustee of Nova Scotia); and

The Child does not have any legal obligation to support another person.

Date: _____

Witness

Parent's Signature

3. Custodial Attestation

I _____ of the Provinces or Territory of _____, declare and attest that all of the following statements are true.

I have lawful custody of the minor child _____ (the “Child”) in that I have decision-making responsibility for the minor and parenting time with the minor by virtue of:

- an order made by the court dated _____;
- a parenting plan dated _____;

OR

- the customs or traditions of the First Nation community or people (ex., Mi’kmaw laws, customs or traditions) to which the Child belongs.

I have decision-making responsibility for the of the Child;

To the best of my knowledge, no guardians of the property of the Child have been appointed by a court;

There are no court orders or parenting plans restricting my decision-making responsibilities in respect of the Child;

The Child does not have a public guardian (such as the Public Trustee of Nova Scotia); and

The Child does not have any legal obligation to support another person.

Date: _____

Witness

Parent’s Signature

4. Guardian of Person Attestation

I _____ of the Province of _____, declare and attest that all of the following statements are true.

<p>I the guardian of the person of the minor child _____ (the “Child”), by virtue of:</p> <p><input type="checkbox"/> being appointed by the will of the Child’s parent _____, who is now deceased _____;</p> <p><input type="checkbox"/> being appointed by the Child’s parent by written instrument dated _____;</p> <p style="text-align: center;"><u>OR</u></p> <p><input type="checkbox"/> the customs or traditions of the First Nation, Indigenous community or people (ex., Mi’kmaw laws, traditions or customs) to which the Child belongs.</p>	
<p>To the best of my knowledge, no guardians of the property of the Child have been appointed by a court;</p>	
<p>The Child does not have a public guardian (such as the Public Trustee of Nova Scotia);</p>	
<p>There are no court orders or parenting plans restricting my decision-making responsibilities in respect of the Child; and</p>	
<p>The Child does not have any legal obligation to support another person.</p>	
<p>Date: _____</p>	
<p>_____</p> <p>Witness</p>	<p>_____</p> <p>Guardian’s Signature</p>

ONTARIO – ATTESTATION OF PERSONAL REPRESENTATIVE

You have submitted a claim as Personal Representative of a **minor child** who resides in Ontario and who is eligible for money under the First Nations Drinking Water Settlement Agreement.

We are asking you to complete this form so that the minor child's money is processed correctly. You have options in completing this form. Please choose **one** option only:

- **Option A:** You can choose to have the minor child's money paid to the Accountant of the Superior Court of Justice of Ontario. This means that the minor child's money will be held in a public trust until they turn 18.

To choose this, check the box under A – Election. **This option is also the default and will apply if you do not return this form.**

OR

- **Option B:** You can attest (make a legal statement to the best of your knowledge) that **one** of the situations under B is true. In this case, some or all the minor child's money will be paid to you on their behalf.

Please read the statements fully. In brief, these options are:

- **B-1** – You are the minor child's guardian of property, with a court order; **OR**
- **B-2** – You are the minor child's parent and they reside with you; **OR**
- **B-3** – You have lawful custody of the minor child (for example, they live with you and you have day-to-day care and control of the minor child).

Only a court-appointed guardian of property will be able to receive all the child's money on the child's behalf. If you are the parent and the child resides with you or if you have lawful custody of the child, up to \$35,000 can be paid to you. Anything above that amount will need to go to the Accountant of the Superior Court of Justice of Ontario to be held in trust for the child until they turn 18.

You may only choose ONE option: in other words, please make one election (check box A) or make one attestation (complete one section of B).

If you need help with this form there are three teams of people available to help.

<p>The Hope for Wellness Team offers comfort and emotional support. They can help you if you are experiencing emotional distress. You can reach them toll-free</p>	<p>The Administrator handles claim applications and payments. They can help you with the claims process, including with filling in this Attestation. Start</p>	<p>The Class Counsel Team are your lawyers. They work for you, calls are confidential, and there's no charge to talk with them. They can help you with claims for</p>
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<p>on our Wellness Help Line at 1-855-242-3310 or online at www.hopeforwellness.ca</p>	<p>with them if you have a question and don't know who to ask. You can reach them toll-free on our Administrator Help Line at 1-833-252-4220.</p>	<p>Specified Injuries Compensation or legal questions about the class action settlement. You can reach them toll-free on our Class Counsel Help Line at 1-833-265-7589.</p>
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A. ELECTION – Payment to the Accountant of the Superior Court of Justice

- I _____ of the Province of _____, request that any compensation to which _____ (the minor child) is entitled be deposited with the Accountant of the Superior Court of Justice of Ontario.

B. ATTESTATION – Payment to Representative

You may complete only ONE of the following three attestations.

1. Guardian of Property Attestation (Requires Court Order)

I _____ of the Province of _____, declare and attest that all of the following statements are true.

I am a guardian of the property of the minor child _____ (the “Child”), appointed by the enclosed court order, dated _____;

I am the only guardian of property of the Child or I have submitted this claim with the consent/approval of the other guardian(s) of the property of the Child;

The Child does not have a public guardian (such as the Public Guardian and Trustee of Ontario or a Children’s Aid Society); and,

The Child does not have any legal obligation to support another person.

Date: _____

Witness

Guardian of Property’s Signature

2. Parental Attestation

I _____ of the Province of _____, declare and attest that all of the following statements are true to the best of my knowledge.

I am the mother or father of the minor child _____ (“Child”) and the Child resides with me at _____;

No guardians of the property of the Child have been appointed by a court;

There are no court orders or separation agreements restricting my decision-making abilities in respect of the Child;

The Child does not have a public guardian (such as the Public Guardian and Trustee of Ontario or a Children’s Aid Society); and,

There is no other person with decision-making authority in respect of the Child or I have submitted this claim with the consent/approval of any such persons;

The Child does not have any legal obligation to support another person.

Date: _____

Witness

Parent’s Signature

3. Custodial Attestation

I _____ of the Provinces of _____, declare and attest that all of the following statements are true to the best of my knowledge.

I have lawful custody of the minor child _____ (“Child”) by virtue of (check one):

- the enclosed parenting order made by the court dated _____;
- the enclosed separation agreement dated _____;
- being appointed by the enclosed will of the Child’s parent _____, who is now deceased;

OR

- the customs or traditions of the First Nation community or people to which the Child belongs.

No guardians of the property of the Child have been appointed by a court;

There are no court orders restricting my decision-making abilities in respect of the Child;

The Child does not have a public guardian (such as the Public Guardian and Trustee of Ontario or a Children's Aid Society); and,

There is no other person with decision-making authority in respect of the Child or I have submitted this claim with the consent/approval of any such persons;

The Child does not have any legal obligation to support another person.

Date: _____

Witness

Custodian's Signature

Québec – ATTESTATION OF PERSONAL REPRESENTATIVE

You have submitted a claim as Personal Representative of a **minor child** who resides in Québec and who is eligible for money under the First Nations Drinking Water Settlement Agreement.

We are asking you to complete this form so that the minor child's money is processed correctly. You have options in completing this form. Please choose **one** option only:

- **Option A:** You can choose to have the minor child's money paid to the Director of Youth Protection or the Public Curator of Québec. In both situations, this means that the minor child's money will be held in a public trust until they turn 18.

To choose this, check the box under A – Election. **This option is also the default and will apply if you do not return this form.**

OR

- **Option B:** You can attest (make a legal statement to the best of your knowledge) that **one** of the situations under B is true. In this case, the minor child's money will be paid to you on their behalf.

Please read the statements fully. In brief, these options are:

- **B-1** – You are the child's parent (i.e., legal tutor); **OR**
- **B-2** – The child's parents have appointed you to care for the child (i.e., suppletive tutor); **OR**
- **B-3** – The child's parents appointed you to care for the child in the event they died or became incapable, and they have died or become incapable (i.e., dative tutor).

If you are able to provide one of the attestations, you will be able receive all the child's money on the child's behalf. If the value of the total payment entitlement exceeds \$40,000, you may have additional legal obligations and duties in respect of the management of the money on behalf of the minor child. It is your responsibility to ensure you comply with these obligations.

You may only choose ONE option: in other words, please make one election (check box A) or make one attestation (complete one section of B).

If you need help with this form there are three teams of people available to help.

<p>The Hope for Wellness Team offers comfort and emotional support. They can help you if you are experiencing emotional distress. You can reach them toll-free on our Wellness Help Line at 1-855-242-3310 or</p>	<p>The Administrator handles claim applications and payments. They can help you with the claims process, including with filling in this Attestation. Start with them if you have a question and don't know who to ask.</p>	<p>The Class Counsel Team are your lawyers. They work for you, calls are confidential, and there's no charge to talk with them. They can help you with claims for Specified Injuries Compensation or legal questions about</p>
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online at www.hopeforwellness.ca	You can reach them toll-free on our Administrator Help Line at 1-833-252-4220.	the class action settlement. You can reach them toll-free on our Class Counsel Help Line at 1-833-265-7589.
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A. ELECTION – Payment to the Director of Youth Protection or Public Curator of Québec

- I _____ of the Province of _____, request that any compensation to which _____ is entitled be deposited with the Director of Youth Protection OR Public Curator of Québec.

B. ATTESTATION – Payment to Representative

As noted, you must complete only ONE of the following attestation.

1. Parental (Legal Tutor) Attestation

I _____ of the Province of _____, declare and attest that all of the following statements are true.

I am the mother or father of the minor child _____ (“Child”);

There are no agreements or court orders or other legal restrictions impacting my ability to act as Tutor for the Child;

I have designated no suppletive tutors or, even if I have, I have always remained able to fully assume the office of legal tutor and of person having parental authority;

The Child is not fully emancipated;

The Child is not under the tutorship of the Public Curator of Québec or Director of Youth Protection, or someone the latter or a court recommended to exercise Tutorship; and,

There is no lawful exemption entitling the Child to receive funds on their own behalf.

Date: _____

Witness

Parent’s Signature

2. Suppletive Tutor Attestation

I _____ of the Province of _____, declare and attest that all of the following statements are true.

I am the suppletive tutor of the property of the minor child _____ (“Child”) by virtue of (check only one):

- the enclosed Court approved designation by the father and/or mother of the Child, dated _____;
- the enclosed certificate from the competent authority attesting my tutorship according to Québec Aboriginal custom, dated _____;

OR

- the customs or traditions of the First Nation group, community or people to which the Child belongs.

There are no agreements or court orders or other legal restrictions impacting my ability to act as suppletive Tutor for the property of the Child;

There are no other suppletive tutors of the property of the Child or, if there are, I have the authority to make this particular claim;

The Child is not fully emancipated;

The Child is not under the tutorship of the Public Curator of Québec or Director of Youth Protection, or someone the latter or a court recommended to exercise Tutorship; and,

There is no lawful exemption entitling the Child to receive funds on their own behalf.

Date: _____

Witness

Suppletive Tutor’s Signature

3. Dative Tutor Attestation

I _____ of the Province of _____, declare and attest that all of the

following statements are true.

I am the dative tutor of the minor child _____ (“Child”) by virtue of (check only one):

- the enclosed Court designation, dated _____;
- the enclosed will of the Child’s parent, _____, who was the last surviving parent and is now deceased;
- the enclosed protection mandate of the Child’s parent, _____, who is now incapacitated;
- the enclosed declaration, dated _____, which the Child’s parent, _____, filed with the Public Curator;

OR

- the customs or traditions of the First Nation group, community or people to which the Child belongs.

There are no agreements or court orders or other legal restrictions impacting my ability to act as suppletive Tutor for the property of the Child;

There are no other suppletive tutors of the property of the Child or, if there are, I have the authority to make this particular claim;

The Child is not fully emancipated;

The Child is not under the tutorship of the Public Curator of Québec or Director of Youth Protection, or someone the latter or a court recommended to exercise Tutorship; and,

There is no lawful exemption entitling the Child to receive funds on their own behalf.

Date: _____

Witness

Dative Tutor’s Signature

**SASKATCHEWAN – ATTESTATION OF PERSONAL
REPRESENTATIVE**

You have submitted a claim as Personal Representative of a **minor child** who resides in Saskatchewan and who is eligible for money under the First Nations Drinking Water Settlement Agreement.

We are asking you to complete this form so that the minor child's money is processed correctly. You have options in completing this form. Please choose **one** option only:

- **Option A:** You can choose to have the minor child's money paid to the Public Guardian and Trustee of Saskatchewan. This means that the minor child's money will be held in a public trust until they turn 18.

To choose this, check the box under A – Election. **This option is also the default and will apply if you do not return this form.**

OR

- **Option B:** You can attest (make a legal statement to the best of your knowledge) that **one** of the situations under B is true. In this case, some or all the minor child's money will be paid to you on their behalf.

Please read the statements fully. In brief, these options are:

- **B-1** – You are the minor child's parent and/or guardian of property and have provided security (e.g., a bond/guarantee) to the court for the purposes of receiving money on behalf of the minor child or a court has ordered that you need not provide the security;

OR

- **B-2** – You are a responsible adult acting on the minor child's behalf or are the minor child's parent or guardian of property but have **NOT** provided security (or obtained court order doing away with the need to provide security);

Only a parent or guardian of property that has provided the necessary security to a Saskatchewan court registrar (or obtained an order doing away with the need to provide such security) will be able to receive all of the minor child's money on the child's behalf. Otherwise, if you are a parent or guardian of property that has not provided the necessary security (or obtained a court order saying you don't need to provide security) or if you are a responsible adult with decision-making authority for the minor child, and the minor child's entitlement to money does not exceed \$10,000, you may be able to receive the money on behalf of the minor child if the Public Guardian and Trustee of Saskatchewan approves. But, if the minor child's entitlement exceeds \$10,000, then all of the money will need to go to the Public Guardian and Trustee.

You may only choose ONE option: in other words, please make one election (check box A) or make one attestation (complete one section of B).

If you need help with this form there are three teams of people available to help.

<p>The Hope for Wellness Team offers comfort and emotional support.</p> <p>They can help you if you are experiencing emotional distress.</p> <p>You can reach them toll-free on our Wellness Help Line at 1-855-242-3310 or online at www.hopeforwellness.ca</p>	<p>The Administrator handles claim applications and payments.</p> <p>They can help you with the claims process, including with filling in this Attestation. Start with them if you have a question and don't know who to ask.</p> <p>You can reach them toll-free on our Administrator Help Line at 1-833-252-4220.</p>	<p>The Class Counsel Team are your lawyers. They work for you, calls are confidential, and there's no charge to talk with them.</p> <p>They can help you with claims for Specified Injuries Compensation or legal questions about the class action settlement.</p> <p>You can reach them toll-free on our Class Counsel Help Line at 1-833-265-7589.</p>
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A. ELECTION – Payment to the Public Guardian and Trustee of Saskatchewan

- I _____ of the Province/Territory of _____, request that any compensation to which _____ (the minor child) is entitled be deposited with the Public Guardian and Trustee of Saskatchewan.

B. ATTESTATION – Payment to Representative

You may complete only ONE of the following three attestations.

1. Guardian of Property Attestation

I _____ of the Province/Territory of _____, declare and attest that all of the following statements are true.

I am a guardian of the property of the child _____ (the "Child"), by virtue of (check only one):

- being the father or mother of the Child;
- the enclosed court order made by the court dated _____;
- the enclosed will of the Child's parent, _____, who is now deceased;
- the enclosed agreement of the Child's parent, dated _____;

<input type="checkbox"/> the enclosed agreement of the Child’s parent, dated _____;
<input type="checkbox"/> having care and control over the Child and decision-making authority in respect of day-to-day decisions affecting the Child;
<input type="checkbox"/> the customs or traditions of the First Nation community or people to which the Child belongs.
I have not provided security to a registrar of the Saskatchewan Court of King’s Bench and the Saskatchewan Court of King’s Bench has not ordered that I am not required to post security.
There are no court orders, parenting agreements, or other circumstances limiting my ability to serve as the guardian of property of the Child;
I am the only guardian of property of the Child or I have submitted this claim with the consent/approval of the other guardian(s) of the property of the Child; and,
The Child does not have a public guardian (such as the Public Guardian and Trustee);
The Child does not have any legal obligation to support another person.
Date: _____
<div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 45%; border-top: 1px solid black; margin-bottom: 5px;"></div> <div style="width: 45%; border-top: 1px solid black; margin-bottom: 5px;"></div> </div>
<div style="display: flex; justify-content: space-between;"> Witness Guardian’s Signature </div>

APPENDIX "B"



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Tikinagan
Child & Family Services

PO Box 327
Sarnia, Ontario
N8N 1B1

P: 807-737-3441
TF: 1-800-465-3624
www.tikinagan.ca

January 6, 2023

TO WHOM IT MAY CONCERN

RE: [REDACTED] DOB: [REDACTED]

This letter to notify you that the above mentioned child is in care with Tikinagan Child and Family Services on a Long Term Agreement.

[REDACTED] are the primary caregivers for the above mentioned child and will remain in their care. [REDACTED] are authorized to apply for First Nations Drinking Water Settlement on behalf of [REDACTED]

Please contact our agency @ 1-800-465-3624 if you have any other concerns.

Thank you

Sincerely,

Colleen Wesley
Colleen Wesley

Direct Service Supervisor
Aroland Unit

Stacey Matasawagon

Stacey Matasawagon
Child Care Worker
Aroland Unit

Cc File [REDACTED] Donna Gagnon- Service Manager

