

## **The Alberta Child Welfare Class Action**

### **NOTICE OF SETTLEMENT APPROVAL**

#### **Please Read this Notice Carefully as it May Affect Your Rights**

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**ATTENTION Class Members:** All persons who suffered injuries before or during a time when they were subject to a permanent warship order or permanent guardianship order by Alberta Child Welfare between July 1, 1966 and February 19, 2008, or a temporary guardianship order by Alberta Child Welfare between July 1, 1985 and February 19, 2008.

**Purpose Of This Notice** This Notice advises Class Members that a Settlement Agreement has been approved by the Court. The Settlement Agreement resolves a class action lawsuit regarding the alleged breach of duty by the Director of Child Welfare and others to make claims under crimes compensation legislation or file lawsuits on behalf of Class Members who suffered injuries while they were in the case of Alberta Child Welfare.

The Defendants deny the allegations and any wrongdoing or liability. The allegations made by the Plaintiffs have not been proven in court.

The class action is known as *T.L., R.M., and J.S. v. Her Majesty the Queen in Right of Alberta as Represented by the Director of Child Welfare and the Public Trustee*, Action No.: 0403-12989 in the Court of Queen's Bench of Alberta.

This lawsuit was certified as a class action on February 19, 2008. The time to opt-out of the action has passed. All those meeting the criteria of class membership are bound by this settlement.

#### **Summary Of The Settlement Agreement**

- Class Members will be entitled to make an application to the Victims of Crime Benefits Program ("VOC"), regardless of how much time has passed since the right to make an application for compensation arose.
  - In the event that any Class Members claims are rejected under the VOC for being too late (i.e. outside the time period permitted under the VOC Act), the claim can be submitted to an independent adjudicator for evaluation in an Alternative Claims Process.
  - Claims adjudicated under the Alternative Claims Process will be determined on the same criteria for eligibility and compensation as under the VOC (not including limitations considerations).
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- The Defendants will create a fund of up to \$6,500,00.00 out of which eligible claims in the Alternative Claims Process concerning Class Members who were subject to Permanent Wardship/Guardianship Orders/Agreements may be paid, and a fund of up to \$1,000,000.00 out of which eligible claims in the Alternative Claims Process concerning Class Members who were subject to Temporary Guardianship Orders may be paid.
  - All eligible VOC claims will be paid by the VOC Fund, (over and above the monies provided by the Defendants to pay for eligible claims in the Alternative Claims Process).

Further details regarding the Settlement Agreement may be viewed at: [www.mckenzielake.com](http://www.mckenzielake.com) or by contacting Class Counsel as listed below.

#### Making a Claim

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All Class Member claims under the Settlement Agreement must start with the making of an application to the VOC, prior to January 15, 2017.

For application forms and information on making a claim to the VOC, call: (780) 427-7217 or toll free at: 310-0000; or, email [financialbenefits@gov.ab.ca](mailto:financialbenefits@gov.ab.ca); or, visit [www.victims.alberta.ca](http://www.victims.alberta.ca)

If your application is rejected by the VOC because it is too late (beyond the limitation period), you may advise the Adjudicator that you wish your application to be considered under the Alternative Claims Process. If your application is rejected by VOC, you will be told how to apply to the Adjudicator.

If you elect instead to have your rejected VOC claim proceed through the appeal process under the VOC, you will forfeit your opportunity to participate in the Alternative Claims Process. The Alternative Claims Process is final, there are no appeals from determinations by the Adjudicator.

#### Legal Fees

If you require assistance or want further information regarding the process for making claims, you can contact Class Counsel (contact details below).

#### Further Information:

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As part of the Settlement Agreement, the Defendants have agreed to pay \$750,000 towards Class Counsel's reasonable lawyer fees and expenses. The remaining legal fees are payable on a contingency fee basis, being up to 10% of all VOC applications approved by the VOC Board for Class Members and 33.33% of all applications approved by the independent adjudicator in the Alternative Claims Process. The lawyer fees and expenses have been approved by the Court.

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For further information please contact Class Counsel as follows:

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