

Indian Residential School Update:
Clearing up the Rumors

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We are constantly receiving phone calls from people who want to find out more about certain aspects of the settlement. Taking all calls into consideration, we can point out the four most common misconceptions our clients have about the settlement. Due to the widespread concern we have experienced over them, I think it would be worth to mention them again for everyone's benefit.

Rumor # 1: Cristal Lake, Stirland Lake and Toulan Indian Residential Schools have been approved.

Unfortunately this is not true. In their June 11th, 2008 update, the government actually rejected Cristal Lake and Stirland Lake as being private schools run without direct involvement of the government. We have heard many people who have heard of someone who went to those schools receiving compensation, but that is not true. There are other schools in NAN territory that have been turned down such as Aroland Indian Day School, Attawapiskat, Big Trout Lake Indian School, Christ the King Day School in Moosonee, Fort Severn School, Queen Elizabeth High School in Sioux Lookout, Lac Seul Day School, Long Lac Indian Day School, Northwestern Bay Day School in Fort Frances and St. Joseph's Residential School in Cochrane. Currently under consideration and awaiting further research are Kenora and Group Homes in Moose Factory. Teulon School in Manitoba is also under consideration.

Rumor #2: As long as I attended a recognized Indian Residential School, I will receive a payment (This is specially important for those who attended Pelican Falls).

Again, we know there were a lot of people who attended schools that are on the list, such as Pelican Falls, in the 1990's. However, if the school you attended ceased to be a Residential School (meaning that you no longer were placed in a residence away from home by the government for the purposes of education or the Federal Government stopped being responsible for the operation of the residence, administration of the school or the care of the children who lived there), you will not have a claim. We have approximate dates for when some schools stopped being Residential Schools. But keep in mind that these dates are approximate and use them as a guideline only.

Spanish (Boys) – 1958
1962

McIntosh – Burned down between 1964 and 1966
Fort Frances (St. Margaret's) – 1974
Cecilia Jeffrey – 1976
Shingwauk – 1971 (though it may be longer)

Spanish (Girls) –

St. Joseph's – 1970
St. Anne's – 1976
Pelican – 1978
Poplar Hill – 1989

We realize that this is not going to stop anyone else who attended one of these schools from applying even if they attended much later. We know that you might still want to give it a try. We just want people to be aware of why they may be turned down. This is especially true for those who attended Pelican Falls in the 1990's. However, of interest is the fact that the government has placed Pelican Falls under consideration on the list of recognized schools, even though it is already part of the Settlement.

Rumor # 3: Day school students cannot apply for the CEP, but they can apply to receive the abuse compensation (IAP).

This is not really true either. The only people who are able to apply for the IAP are those who attended a recognized Residential School. More often than not, Day Schools have been excluded from the settlement. **However**, a person that was a day student in a recognized Residential School can apply for the IAP payment.

Rumor #4: I have been told that I can apply to get the CEP and IAP for a deceased family member and I will get the money.

This is tricky but it really depends. In order to qualify, the person that passed away must have attended a recognized school and they must have passed away after March 30, 2005. There are many people whose family members passed away during their time at Residential School but they are not entitled to money under the settlement package. There are also people, whose family members died March 29, 2005 or shortly before that and they hope to receive money, but there has not been any exceptions made. Also, if you want to apply for a deceased family member, you must have all the necessary documents and become the "administrator of the estate" of the deceased person. If a person died with a will in place, the will should indicate who that will be. If there was no will, but the person died "while ordinarily living on-reserve" (that is, they normally lived on reserve even though they may have died in a hospital in the city), the spouse, or children or other family members can apply to INAC to become estate administrators. If the person died off-reserve, it is more complicated and the Court will have to be involved so we recommend they get a lawyer.

I am sure that there are many other questions out there from people who are still confused about how the settlement applies to them. If you have questions, please feel free to give us a call and we will try to find an answer to your question.