

**Class Action Settlement Claims Process**

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**CLAIM FORM AND CONSENT**

The parties to this lawsuit have entered into a settlement. This claims process is part of that settlement.

In order to make a claim in the claims process of this settlement you must complete: (1) this Claim Form, and (2) the Consent included later in this form.

) Please be sure to read this entire Claim Form before filling it out.

) Before you fill out this form, you should also read the Settlement Agreement and the Compensation Plan attached to it as Schedule "A". These documents provide information and guidance on how to complete this form.

Who should fill out this Claim Form?

This Claim Form is only for those individuals who, while under the age of 18, were placed in "Youth Segregation" for more than 6 consecutive hours at some point(s) between April 1, 2004, and December 17, 2018, at the following "Youth Justice Facilities":

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- ) Bluewater Youth Centre
- ) Brookside Youth Centre
- ) Cecil Facer Youth Centre
- ) Donald Doucet Youth Centre
- ) Invictus Youth Centre
- ) Justice Ronald Lester Youth Centre
- ) Roy McMurtry Youth Centre
- ) Sprucedale Youth Centre
- ) Toronto Youth Assessment Centre

“Youth Segregation” means segregation at a Youth Justice Facility of a person under the age of 18 alone in a designated room or area for more than 6 consecutive hours.

Youth Segregation does not include:

- ) Segregation by reason of a lock-down at a Youth Justice Facility; and
- ) The routine locking down of youth in their rooms overnight at a Youth Justice Facility, as authorized by statute.

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What is the deadline for submitting this Claim Form and Consent once completed?

All claims will be reviewed and assessed by the Claims Administrator, as appointed by the Court. All Claim Form and Consents must be received by the Claims Administrator by August 26, 2022. After that date, it will be too late for your claim to be considered.

What information do I send and where do I send it?

In order to make a claim, by the deadline, you must fill out and send in:

1. The Claim Form;
2. The Consent included in the Claim Form; and
3. Your Identity Document.

Your Identity Document must be a copy of a document that proves your identity and date of birth (e.g. birth certificate, driver's license, passport, or other official Government-issued identification).

Keep a copy of your Claim Form and Consent for your records once completed.

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Once you have completed the Claim Form and the Consent included as part of it, and you have your Identity Document ready to go with it, please send it all to the Claims Administrator. You can send in your information by:

- ) Mail: Epiq Class Action Services Canada Inc.  
Attention: Ontario Youth Segregation Class  
Action Administrator  
PO Box 507 STN B  
Ottawa ON K1P 5P6
- ) Email: [info@youthsegregationclassaction.ca](mailto:info@youthsegregationclassaction.ca)
- ) Fax: 1-866-262-0816

All information you submit is confidential and will only be used for the claims process.

The Claims Administrator may contact you to gather more or other information if your Claim Form is incomplete. If you are contacted, you will then have 30 days to finish completing your Claim Form with the requested information and return it to the Claims Administrator or your claim will be dismissed.

Please read the Claim Form carefully. Ask for help if you do not understand. You can ask a trusted support person

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for help. You can contact Class Counsel for help with the Claim Form:

<p>Koskie Minsky LLP 20 Queen Street West Suite 900, Box 52 Toronto, Ontario M5H 3R3 Phone: 1-844-819-8501 (toll free) Email: youthconfinementclassaction@kmlaw.ca</p>	<p>Strosberg Sasso Sutts LLP 1561 Ouellette Avenue Windsor, Ontario N8X 1K5 Phone: 1-866-229-5323, ext. 296 (toll free) Email: youthconfinement@strosbergco.com</p>
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Are you a guardian making a claim on behalf of someone else?

Please use the name of the person who was admitted to Youth Segregation to fill in the form.

On page 27, set out the basis for your authority to submit the claim on that other person's behalf.

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This Claim Form has 5 parts:

1. Your current personal information.
2. Information about the claims process and what you need to include in your claim.
3. A place for you to make and explain your claim(s).
4. A place for you to affirm the truth of your claim, to the best of your recollection.
5. The Consent that must be filled out so that your relevant Youth Records can be released to the Claims Administrator for your claim to be reviewed and assessed.

Read all of this Claim Form. Then you will know what parts you must fill in. Make sure you give yourself enough time before the deadline to remember and write what happened and to get any documents you may need to refresh your memory for your claim.

The completed Claim Form and all other required information noted above must be received by the Claims Administrator by August 26, 2022.

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You might experience upsetting thoughts or feeling when you write out your claim. Take the time you need to write everything you want to say. Make sure you are in a safe place when you work on your claim.

It may help you to ask someone you trust to stay with you or for you to plan in advance who you will talk to for support if you need it.

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**PART 1**

Your personal information

First name: \_\_\_\_\_

Middle name: \_\_\_\_\_

(Leave this blank if you do not have a middle name)

Last name: \_\_\_\_\_

Any previous name(s) used: \_\_\_\_\_

Could you have been placed in Youth Segregation with a different name?

(Leave this blank if you did not have any other names)

Date of birth (day, month, year): \_\_\_\_\_

Your current address and contact information

Street and number: \_\_\_\_\_

Apartment number if you have one: \_\_\_\_\_

City or town: \_\_\_\_\_

Province: \_\_\_\_\_

Country: \_\_\_\_\_

Postal code: \_\_\_\_\_

Phone or TTY number: \_\_\_\_\_

Email address: \_\_\_\_\_

(Leave this blank if you do not have an email address.)



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\*\*\* REMEMBER: You must also submit a copy of an Identity Document which proves your identity and date of birth. Please ensure your name and date of birth stated on this form matches that information in your Identity Document \*\*\*

**PART 2**

Compensation available in the claims process

Category of claim	Time spent in Youth Segregation	Amount awarded if claim approved
Category 1	Between 6 and 72 consecutive hours	\$1,000
Category 2	Between 72 hours and 5 consecutive days	\$5,000
Category 3	Between 6 and 14 consecutive days	\$12,000
Category 4	For 15 or more consecutive days	\$35,000

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Important information about compensation

- ) If you were placed in Youth Segregation more than once, you may be eligible for compensation for each placement. The process for making multiple claims on a single Claim Form is explained further below.
- ) If there are not enough funds in the Settlement Fund to pay all approved claims in full, the amounts payable for Approved Category 1, 2, 3, and 4 Claims will be adjusted downward such that each approved claim receives a proportionate share of the Settlement Fund.
- ) If there are funds remaining in the Settlement Fund after all approved claims are paid in full, each Claimant with an Approved Category 4 Claim will also receive a top-up payment, to a maximum of \$5,000, from remaining funds.

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Steps in the claims process

1. You must send in your completed Claim Form and Consent, with a copy of your Identity Document, to the Claims Administrator by the deadline.
2. Once the Claims Administrator gets your information, it will verify that your claim is an “Eligible Claim” and determine what category your claim will fall into. If you have an Eligible Claim, a request will then be made for your relevant Youth Records to be released so they can be consulted as part of your claim.
3. If your Youth Records do not show that you were held in a Youth Justice Facility or placed in Youth Segregation, or if they show that you were placed in Youth Segregation for less than 6 consecutive hours, your claim may be dismissed
4. If your Youth Records show you were placed in Youth Segregation but for a shorter or longer time than you write on this Claim Form, this may affect

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- whether your claim is adjudicated as a Category 1, 2, 3 or 4 claim.
5. If your claim is assessed as a Category 1 claim, the Claims Administrator will decide whether you get compensation based on what you write on this Claim Form and based on your Youth Records.
  6. If your claim is assessed as a Category 2, 3 or 4 claim, the Claims Adjudicator will decide whether you get compensation based on what you write on this Claim Form and the information in your Youth Records.
  7. If your claim is successful, you will be awarded compensation depending on the category of claim that your claim falls into.
  8. Once your claim has been decided, the Claims Administrator will advise you of the decision. That decision is final and not subject to appeal. You will not get reasons for the decision.

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9. The Claims Administrator will send money awarded in the claims process to claimants at the end of the claims process.
  
10. Any amounts awarded to each claimant that are distributed but go unclaimed within twelve (12) months, will no longer be available. If your claim is approved, be sure to receive and deposit your payment as soon as possible.

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**PART 3**

Important information about making your claim is provided below. Please read all of it.

- ) You can only submit one claim per each placement in Youth Segregation.
- ) If more than one claim is submitted for the same Youth Segregation placement, all such claims will be treated as one claim.
- ) But you can make a claim for each separate Youth Segregation placement you experienced. If you experienced more than one Youth Segregation placement, you are encouraged to explain each of your claims on this Claim Form. You can attach extra written pages if you need more space.
- ) You are not required to submit a separate Claim Form and Consent for each Youth Segregation placement.

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Make your claim(s) here:

Fill out the blanks below. Put as much detail as you can. If you need to attach extra pages, do it.

The spaces below provide room for you to make up to 3 separate claims. But there is no limit to the number of separate claims you can make. If you have more than 3 separate claims to make, attach extra pages so you can explain those claims too. If you do this, be sure to answer each of the questions below for each separate claim.

CLAIM 1

- a) What Youth Justice Facility were you in when you were placed in Youth Segregation?

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b) What days/month/year were you placed in Youth Segregation there? Please explain to the best you can remember or were told.

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c) Were you placed in Youth Segregation for more than 6 consecutive hours? (If no, then you will not be compensated for this claim) Please explain to the best you can remember or were told.

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d) How long did this placement in Youth Segregation last? Please explain to the best you can remember or were told.

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e) Why were you placed in Youth Segregation? Please explain to the best you can remember or were told.

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f) Do you think you were "Overheld" in Youth Segregation? Please explain to the best you can remember or were told.

"Overheld" means you continued to be held in Youth Segregation even after you were no longer an immediate threat to property or a person, or after there was a less restrictive method available to restrain your behaviour. But if you continued to be held in Youth Segregation only because you fell asleep, and you were removed once you woke up, you were not "Overheld".

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If you need more space, you can attach extra pages.

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CLAIM 2

a) What Youth Justice Facility were you in when you were placed in Youth Segregation?

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b) What days/month/year were you placed in Youth Segregation there? Please explain to the best you can remember or were told.

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c) Were you placed in Youth Segregation for more than 6 consecutive hours? (If no, then you will not be compensated for this claim) Please explain to the best you can remember or were told.

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d) How long did this placement in Youth Segregation last? Please explain to the best you can remember or were told.

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e) Why were you placed in Youth Segregation? Please explain to the best you can remember or were told.

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f) Do you think you were "Overheld" in Youth Segregation? Please explain to the best you can remember or were told.

"Overheld" means you continued to be held in Youth Segregation even after you were no longer an immediate threat to property or a person, or after there was a less restrictive method available to restrain your behaviour. But if you continued to be held in Youth Segregation only because you fell asleep, and you were removed once you woke up, you were not "Overheld".

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If you need more space, you can attach extra pages.

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CLAIM 3

a) What Youth Justice Facility were you in when you were placed in Youth Segregation?

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b) What days/month/year were you placed in Youth Segregation there? Please explain to the best you can remember or were told.

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c) Were you placed in Youth Segregation for more than 6 consecutive hours? (If no, then you will not be compensated for this claim) Please explain to the best you can remember or were told.

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d) How long did this placement in Youth Segregation last? Please explain to the best you can remember or were told.

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e) Why were you placed in Youth Segregation? Please explain to the best you can remember or were told.

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f) Do you think you were "Overheld" in Youth Segregation? Please explain to the best you can remember or were told.

"Overheld" means you continued to be held in Youth Segregation even after you were no longer an immediate threat to property or a person, or after there was a less restrictive method available to restrain your behaviour. But if you continued to be held in Youth Segregation only because you fell asleep, and you were removed once you woke up, you were not "Overheld".

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If you need more space, you can attach extra pages.

**Please go to the next page.**



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**PART 4**

Solemn Oath / Affirmation:

You must swear or affirm that the information you provided above (and attached on another page if used) is true and that you have set out your recollection to the best of your ability.

It is against the law to swear an oath or affirm something that is not true to the best of your knowledge or recollection.

"I solemnly swear/affirm that this information is true."

Today's date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

\*\*\* You do NOT need your Youth Records in order to make a claim in this claims process. Once you submit a claim and consent to the confidential release of your Youth Records to the Claims Administrator, your Youth Records will be disclosed for the claims process. \*\*\*

**Please go to the next page.**





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**PART 5**

Consent to release of your Youth Records

**CONSENT**

I, \_\_\_\_\_ (print name), as the young person to whom the Youth Records relate, authorize agents for Her Majesty the Queen in right of Ontario ("HMQ") to access and provide to the Claims Administrator a copy of my Youth Records that may be relevant to my claim(s) submitted in this settlement claims process, including but not limited to the relevant Secure Isolation or Secure De-escalation log ("SI Log").

In providing this free and informed consent, I understand the following:

- ) Some or all of the relevant information in my Youth Records is subject to the Youth Criminal Justice Act and may require an order from the Youth Justice Court, for which this consent will be used.
- ) My Youth Records are in the custody and control of HMQ.
- ) I, as the claimant, request that HMQ access and provide to the Claims Administrator a copy of my Youth Records that may be relevant to my claim.
- ) HMQ, as the custodian of my Youth Records, agrees to my request that HMQ access and provide to the Claims Administrator a copy of my Youth Records that may be relevant to my claim.

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- ) All information in my Youth Records that is accessed and provided to the Claims Administrator as part of my claim will remain strictly confidential and be used only for the purposes of the claims process. No information will be made public, including information protected by s. 118 of the Youth Criminal Justice Act.
- ) The persons to whom access to my Youth Records will be given and those receiving information about the content of the Youth Records have a valid and substantial interest in the Youth Records.
- ) It is desirable and necessary that my Youth Records be made available, in the manner described, in the interest of the proper administration of justice.
- ) Disclosure of my Youth Records as a whole or in part is not prohibited under any other Act of Parliament or of the Legislature of the Province of Ontario.
- ) My Youth Records are to be disclosed and copied for the purpose only of my claim(s) submitted as part of the settlement claims process.

I understand that I can refuse to sign this Consent form if I want, but that I cannot submit a claim in this settlement claims process if I do not sign this Consent form.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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Go to **End of Form** if you  
filled in this form by yourself.

Only answer these questions if you filled in this  
form for someone else who was placed in Youth  
Segregation, or for their estate.

What is your name? \_\_\_\_\_

What is your address? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is your telephone or TTY number?

\_\_\_\_\_

What is your email address? \_\_\_\_\_

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What is your relationship with the person who was placed in Youth Segregation for whom you are making a claim?

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What is the basis of your authority to make a claim on behalf of the person who was placed in Youth Segregation? Attach copies of any documents setting out this authority.

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## **End of Form**

You must send in the Claim Form, the Consent included in it, and your Identity Document to the Claims Administrator.

These documents must be received by the Claims Administrator by August 26, 2022.

You may send the Claim Form and all required documents by email, fax or regular mail to:

- ) Mail: Epiq Class Action Services Canada Inc.  
Attention: Ontario Youth Segregation Class  
Action Administrator  
PO Box 507 STN B  
Ottawa ON K1P 5P6
- ) Email: [info@youthsegregationclassaction.ca](mailto:info@youthsegregationclassaction.ca)
- ) Fax: 1-866-262-0816

If your completed Claim Form and required documents are not received by the Claims Administrator by August 26, 2022, you will not get any compensation.

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- ) Keep a copy of everything you send.
- ) For regular mail, write down the date you put the form in the mailbox. Keep that date with your copy.
- ) For fax, keep the confirmation sheet that shows the date you sent the fax.
- ) For email, keep the email. It has the date on it.

Do not send the form to the Court.