

C A N A D A

PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

No.: 500-06-001177-225

S U P E R I O R C O U R T
(Class Action Division)

A.B.

-and-

TANYA JONES

Plaintiffs

v.

ATTORNEY GENERAL OF QUÉBEC

-and-

ATTORNEY GENERAL OF CANADA

Defendants

**NOTICE CONCERNING THE AUTHORIZATION OF A CLASS ACTION IN QUÉBEC ON
BEHALF OF INUIT, MÉTIS AND FIRST NATIONS PEOPLE LIVING OFF-RESERVE,
INVOLVED WITH YOUTH PROTECTION SERVICES**

If you are a First Nation person living off-reserve, Inuk living in Nunavik or originally from Nunavik, or Métis, and you were **removed from your home when you were under 18 years of age** or were involved with the Director of Youth Protection (“DYP”), or if you are a parent or grandparent of such a person:

You should read this notice

On April 30, 2024, the Superior Court of Québec authorized the class action instituted by Plaintiffs A.B. and Tanya Jones on behalf of the following classes and subclasses:

- A. All Inuit persons ordinarily resident in Nunavik and registered or entitled to be registered as a beneficiary under the James Bay and Northern Québec Agreement (the “**JBNQA**”) or registered with an Inuit land claim organization who between November 11, 1975 and April 30, 2024:
- (a) were under the age of 18; and
 - (b) were reported to, or otherwise brought to the attention of the Directors of Youth Protection in Nunavik (“recevoir le signalement”), including, but not limited to, all persons taken in charge, apprehended and placed in care, whether through a voluntary agreement, by court order or otherwise (the “**Nunavik Child Class**”).

- (c) The Nunavik Child Class includes a subclass of all Inuit persons who were removed from their homes in Canada between November 11, 1975 and December 31, 1991 and placed, during that period, in the care of non-Indigenous foster or adoptive parents (the “**Nunavik Child Subclass**”). The Nunavik Child Subclass makes no claim against the Attorney General of Canada in regard to those placements made during that period.
 - B. All Inuit persons ordinarily resident in Nunavik and registered or entitled to be registered as a beneficiary under the JBNQA or registered with an Inuit land claim organization who between November 11, 1975 and April 30, 2024:
 - (a) were under the age of 18; and
 - (b) needed an essential service but did not receive such service or whose receipt of the service was delayed by either Defendant or their departments or agents, on grounds including, but not limited to, lack of jurisdiction or a gap in services (the “**Essential Services Class**”). For the purposes of this class action, essential services are limited to psychological support, therapy and accompaniment in connection with a report (“signalement”) to child and family services and its effects.
 - (c) The Essential Services Class includes a subclass of all Inuit persons who were removed from their homes in Canada between November 11, 1975 and December 31, 1991 and placed, during that period, in the care of non-Indigenous foster or adoptive parents (the “**Essential Services Subclass**”). The Essential Services Subclass makes no claim against the Attorney General of Canada in regard to Essential Services during that period.
 - C. All parents and grandparents who were providing care to a member of the Nunavik Child Class and the Essential Services Class (the “**Nunavik Family Class**”).
 - D. All Indigenous persons (First Nations, Indians (as defined in the *Indian Act*), Métis and Inuit) ordinarily residing in Québec who:
 - (a) were taken into out-of-home care between January 1, 1992 and April 30, 2024;
 - (b) while they were under the age of 18;
 - (c) while they were not ordinarily residing on a Reserve;
 - (d) by the Federal Crown or the Provincial Crown, or any of their agents; and
 - (e) are not members of the Nunavik Child Class (the “**Québec Child Class**”).
 - E. All parents and grandparents who were providing care to a member of the Québec Child Class when that child was taken into out-of-home care (the “**Québec Family Class**”)
- (hereinafter referred to as the “**Member(s)**” or the “**Class**”)

If you meet any of the above definitions, you are automatically a member of the class, and you do not need to take any steps to register.

COMMON QUESTIONS

The questions of fact and law that will be dealt with collectively in the class action are the following:

With respect to the Nunavik Child Class and the Québec Child Class

1. Do the defendants owe a fiduciary duty to the members of these classes in the development, implementation, funding and delivery of child and family services?
2. If so, did the defendants breach this fiduciary duty?
3. Did the defendants commit a fault in the development, implementation, funding and delivery of child and family services?
4. Did the defendants discriminate against members of the subclasses or otherwise violate the rights guaranteed by sections 7 and 15 of the *Canadian Charter* and sections 1, 4 and 10 of the *Québec Charter* in the development, implementation, funding and delivery of child and family services?
5. If the defendants breached their fiduciary duty or committed a fault or acted in a discriminatory manner and/or violated constitutional rights, are they liable for damages to members of these classes?
6. If so, can an amount of compensatory damages be awarded to each member of these classes collectively?

With respect to the Nunavik Family Class and the Québec Family Class

1. Do the defendants have an obligation to ensure that, in the development, implementation, funding and delivery of child and family services, removal of the child from the family environment would be used as a measure of last resort?
2. Do the defendants have an obligation to ensure that, in the development, implementation, funding and delivery of child and family services, members of the same family remain together whenever possible?
3. With respect to the Nunavik Family Class only, do the defendants have an obligation to ensure that Inuit children receive goods and public services without delay or disruption, without regard to jurisdictional disputes between the federal and provincial governments over funding or inter-departmental disputes within the same government?
4. If so, did the defendants breach their duty or commit a fault or act in a discriminatory manner and/or violate the constitutional rights of the members of these classes?
5. If so, are they liable for damages to members of these classes?
6. If the defendants must pay compensatory damages to the members of these classes, can these damages be recovered collectively?

With respect to the Essential Services Class

1. Do the defendants have an obligation to ensure that the members of this class received goods and public services without delay or disruption, regardless of jurisdictional disputes between the federal and provincial governments over funding or interdepartmental disputes within the same government?
2. Did the defendants delay or deny the provision of health and social services owed to the members of this class, all in violation of their obligations listed in question 1?
3. Do the defendants owe a fiduciary duty to the members of this class with respect to question 1?
4. If so, did the defendants breach their fiduciary duty or commit any wrongdoing or act in a discriminatory manner and/or violate the constitutional rights of the members of this class?
5. In the affirmative, are they liable for compensatory damages to members of this class or punitive damages and, if so, in what amount?
6. If the defendants are liable for compensatory or punitive damages to the members of this class, can these damages be recovered collectively?

With respect to all Classes

1. What is the time period applicable to each class?
2. What factors do members of all the classes have in common when it comes to their inability to act?
3. Does Crown immunity apply to claims against the defendants in the class action?
4. Can the Attorney General of Canada be held responsible for the development, implementation, funding and delivery of child welfare and essential services, if any, in Nunavik under the JBNQA?
5. If the Court finds that the defendants are liable for any portion of the claim, should liability be apportioned between the defendants and/or third parties, and if so, what should the proportion be?
6. What are the defenses that will have to be raised at the individual stage against each class member?

CONCLUSIONS SOUGHT

The conclusions sought for the benefit of Members are the following:

GRANT this Class Action against the Defendants;

CONDEMN the Defendants to pay the Plaintiffs and all Class Members an amount to be determined by the Court, but including interest and additional indemnity, for the following damages:

The payment of an amount between \$40,000 and \$300,000 per member of the Class, depending on the gravity and extent of the physical and psychological injuries and harms caused, as compensatory damages;

The payment of punitive damages and damages pursuant to s. 24(1) of the Canadian Charter, in an amount to be determined by the Court.

ORDER the collective recovery of these damages;

RENDER any order as determined by the Court to be in the best interests of members of the Classes;

THE WHOLE with legal costs, including the costs of publishing notices, administrative costs associated with the execution of the judgment to be rendered, and expert fees.

RIGHT TO OPT OUT

If you meet any of the above definitions, you are automatically a member of the class, and you do not need to take any steps to register in order to benefit from the class action.

If you **do not wish** to be included in this class action and obtain payment if the class action is granted or settled, you may **exclude** yourself from the class by sending a notice to the Civil Court Office of the Superior Court of Québec for the judicial district of Montreal, preferably by registered or certified mail, at the following address:

**Civil Court Office of the Superior Court
Montreal Courthouse
1 Notre-Dame Street East
Montreal, Québec H2Y 1B6**

The **notice of exclusion** must be sent by **June 2, 2025**, and contain your full name, address and indicate that you wish to exclude yourself from class action 500-06-001177-225.

If you choose to exclude yourself, you will not be able to benefit from the class action, in the event of a favorable judgment or settlement.

If you have already filed an individual claim having the same object as the class action, you will be deemed to have excluded yourself from the class if you do not **withdraw** your individual claim within thirty (30) days of the date of this notice, i.e. before **June 2, 2025**.

INTERVENTION

A Member may apply to the Court, at their own expense, for leave to intervene in the class action if they are of the opinion that their intervention is useful to the class.

COSTS

Members (other than the representative or an intervener) cannot be ordered to pay legal costs.

ADDITIONAL INFORMATION

For any questions relating to the class action and/or your rights, please contact any of the lawyers representing the class:

SOTOS LLP
55 University Ave,
Suite 600
Toronto (ON) M5J 2H7
Toll-free: 1-888-977-9806
Tel.: (416) 977-5229
www.sotosclassactions.com
classactions@sotos.ca

**KUGLER KANDESTIN
LLP**
1 Place Ville-Marie,
Suite 1170
Montreal (QC) H3B
2A7
Toll Free: 1-844-
999-2861
Tel.: (514) 878-2861
ext. 144
Fax: (514) 875-8424
www.kklex.com
info@kklex.com

ALEXEEV LLP
2000 McGill College
Ave,
Suite 600
Montreal (QC) H3A 3H3
Tel.: (514) 545-7080
Fax.: (514) 648-7700
www.alexeevco.com
wcolish@alexeevco.com

COUPAL CHAUVELOT S.A.
460 rue Saint-Gabriel,
Suite 500
Montreal (QC) H2Y 2Z9
Tel.: (514) 903-3390
Fax (514) 600-4220
www.coupalchauvelot.com

**All communications are free of charge for you, confidential, and
protected by solicitor-client privilege.**

**You may also find more information by visiting the website dedicated to this class
action: <https://millenniumscoopcan.ca/cases/indigenous-youth-in-quebec/>**

This notice is available in English, French and Inuktitut.

Notice date: May 2, 2025

**The publication of this notice has been authorized by the Honourable Marie-Christine
Hivon J.S.C.**