

FOR IMMEDIATE RELEASE
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MANITOBA GOVERNMENT SETTLES WITH CHILDREN IN CARE FOR \$530 MILLION IN HISTORIC CLASS ACTION LAWSUITS

WINNIPEG, MB — Manitoba has agreed in principle to pay \$530 million to children in care over Manitoba's actions and policies relating to the administration of Children's Special Allowances (CSA) from Child and Family Service (CFS) agencies between 2005 and 2019.

Three certified class actions sought damages for Manitoba's breach of the *Charter* rights of vulnerable children. The settlement aims to compensate the affected children, cover legal fees, and administer funds to class members.

Subject to Court approval, this historic settlement is a significant step forward in rectifying the discrimination endured by vulnerable children in care. This settlement will compensate every child affected by the CSA policy, including interest and additional monies for other damages and costs through the creation of a resolution fund.

According to federal legislation, CSA payments are made to CFS Agencies as an equivalent to the Canada Child Benefit received by parents in Manitoba. CSA benefits are to be used exclusively for care, education, training, and advancement of children in care.

Instead, over the course of 14 years Manitoba required CFS agencies to remit over \$335 million of the federal CSA payments back to Manitoba's general revenue fund.

In response to legal challenges, Manitoba passed legislation in 2020, exempting the province from any legal responsibility. This legislation prompted a constitutional legal challenge, leading to a 2022 decision by the Court of the King's Bench, which found that Manitoba's CSA policy and related legislation exacerbated the already significant disadvantages experienced by children in care, and was a breach of their *Charter* rights to be free from discrimination.

Media Availability:

Representative Plaintiffs Elsie Flette and Trudy Lavallee will have media availability on Monday, **March 25, 2024 from 12:00P.M. to 2:00P.M.** at the law office of Cochrane Saxberg LLP: 201-211 Bannatyne Ave, Winnipeg, MB R3B 3P2.

Quotes:

*“The Assembly of Manitoba Chiefs commends the plaintiffs, representatives, and First Nations leadership for their dedication, which has been instrumental in achieving justice for First Nations children and families affected by the province’s discriminatory claw back of the Children’s Special Allowance. This settlement represents a significant victory, unequivocally holding the province accountable for its unjust targeting of vulnerable children. While progress has been made, AMC’s commitment to the welfare of First Nations children remains steadfast. As we support individual compensation for families, we also call on Manitoba to take immediate steps to acknowledge and compensate for the harm suffered by First Nations who lost many children to this discriminatory system. We will continue to advocate for the restoration of First Nations jurisdiction by pursuing a tripartite process with Manitoba and Canada to fully implement the recommendations of the Aboriginal Justice Inquiry as identified in Call for Justice 5.1 of the MMIWG National Inquiry” – says **Grand Chief Cathy Merrick of the Assembly of Manitoba Chiefs.***

*“The settlement agreement on the CSA is long overdue,” said **Manitoba Keewatinowi Okimakanak Inc. (MKO) Grand Chief Garrison Settee.** “Finally, First Nations children in the care of the CFS system who were denied a benefit by the government, will be compensated not just for the loss of benefits they were rightfully entitled to but for the terrible loss of opportunity the CSA was intended to provide. Since it was first implemented, the MKO Chiefs have repeatedly voiced their vehement opposition to the CSA policy and they have continued to advocate and lobby for restitution.”*

*“This sets a clear precedent that systemic and historic injustices against First Nations children such as this cannot go unchecked,” says **Southern Chiefs’ Organization (SCO) Grand Chief Jerry Daniels.** “It reaffirms the commitment of the Chiefs of the southern First Nations to continue fighting for equality and fairness for our people, and especially our children, in every aspect of the law.”*

*“Our government believes that every child matters and this agreement is an important step forward. This money was supposed to be used for the advancement for some of the most vulnerable children in our society, and it was taken from them. This settlement is an example of how our government is prioritizing reconciliation through action” – says the **Hon. Nahanni Fontaine, Minister of Families.***

*"The recent settlement marks a significant triumph for First Nation and Métis children in Manitoba," says the **Hon. Murray Sinclair,** former Senator, and Chairman of the Truth and Reconciliation Commission, and General Counsel at Cochrane Saxberg LLP. "It is a testament to the power of unity and advocacy in creating positive change for our communities — and a step forward on the path towards reconciliation."*

“This settlement is a historic victory for the most vulnerable people in this province: our children in care. It is a reminder to governments that they will be held accountable for their discriminatory actions, especially when it comes to the welfare of Indigenous children in care” says **Elsie Flette**, the former CEO of Southern First Nations Network of Care and a representative plaintiff.

“This is a good day for kids in Manitoba. I am happy that through tireless advocacy, we achieved a settlement that brings us a step closer to righting the systemic injustices and discrimination the Government of Manitoba wrought by continually litigating against children in care,” says **Trudy Lavallee**, Executive Director at Animikii Ozoson Child and Family Services Agency and a representative plaintiff of the class action lawsuit.

“Back in 2018 when Peguis CFS, Animikii Ozoson CFS and Sandy Bay CFS initiated the litigation challenging Manitoba’s theft of CSA funding, this settlement was what we dreamed of. Now that the settlement has been achieved, the care, maintenance, education and advancement of those impacted can hopefully be fully realized,” said **Louise McCorrister**, Board Chairperson of Peguis Child and Family Services.

“My aunty passed away on the very same day this agreement was reached. Like too many Anishinaabe mothers, she battled the CFS system. I acknowledge her, as well as her children who will benefit from this settlement.” – says **Representative Plaintiff, Lee Malcolm-Baptiste**.

For Background Information, Please Contact:

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