

Court Pushes Back Deadline As Former Residents Hit Roadblocks In Claims Process

Community Living Upper Ottawa Valley (CLUOV) was very surprised when notice was received about the claims deadline being extended to November 30, 2014 as we have been working diligently with people supported by CLUOV to follow the process for claims as it had originally been established. Many of the people receiving services from Community Living who are eligible to submit claims have been anxious and extremely stressed in completing these claim forms. This extension is prolonging the anxiety they are experiencing and of course there is concern that their settlements will also not be received in a timely manner.

People have had the opportunity to request their files from the institutions and did so in May and early June, however, to date, nobody has received their file as of yet. This also is adding to their anxiety and stress levels.

Understanding that this entire process has brought up disturbing memories for many, and now that these memories are being prolonged, it is definitely stopping people from moving forward in their lives. We can only hope that this process moves as quickly as possible.



Marilyn Dolmage, left, one of the litigation guardians in the class action suit, says she's heard from many people who have had a tough time getting their records, but it's important the process resolves quickly.

I urgently want to draw your attention to this news.

The claims deadline has suddenly been extended from August 5 to November 30th for the Huronia, Rideau and Southwestern Regional Centre class actions.

The Huronia update was just posted at <http://www.kmlaw.ca/huroniaclassaction> and you will find similar updates for Rideau and Southwestern too.

This happened because the Office of the Public Guardian and Trustee (OPGT) complained to the judge that it would refuse to assist the 400 people for whom it must make claim, unless it had more time.

We asked Koskie Minsky - the lawyers for *all* class members - to object, but they were unsuccessful.

We know this will be of great concern to many people, as it was to Marie Slark, Patricia Seth, Jim and I.

That affects all the other ~95% of class members.

It is tragic to realize this means that more people will not live to enjoy the benefits.

I estimate that people will not get their claims money until at least May of next year.

The OPGT also insisted on having a revised claim form - just for their clients. We were very opposed, but the judge has nevertheless allowed that.

This form will be shorter (OPGT claimed that the long form uses up too much printer toner!), but we are concerned that it may actually be less helpful to the class members represented by the OPGT.

The OPGT complained that the Ministry of Community and Social Services was not getting people's institution files to them in a timely manner.

This is a problem that so many others have experienced; so now the judge has given MCSS more time.

Koskie Minsky told us that the judge wants *"to ensure every person who wants their resident file obtains it prior to making a claim"*. We know how crucial this information is, to support claims.

People now have until August 5th to request files, and MCSS must have them all sent out to people by October 5th.

Unlike survivors, their families and allies, the government has known that this was coming for years, but was not prepared.

OPGT is part of Ontario's Ministry of the Attorney General, as are the government lawyers who prepared to go to trial against us for several years and who negotiated the settlement last September.

OPGT's service standard

at http://www.attorneygeneral.jus.gov.on.ca/english/service_standards/service_standards_opgt.asp says *"The OPGT is committed to providing accessible and timely service."* (they promise to respond to requests in 1 business day!)

It was MCSS who operated the institutions, whose staff were prepared to testify against us at trial and who now control access to patient files, government archives and site visits.

This is all complicated because if class members don't claim all of the money we fought so hard

for, some can go back to the government.

It seems to us that government continues to neglect these people - just as they did throughout all those years when they ran the institutions.

Will this delay ensure that people will get more help to make their claims?

OPGT is an example of "substitute decision-making", whereby all of the rights of vulnerable people are overtaken.

Instead (for 25 years, that I can remember) advocates have called for "supported decision-making", This means that their trusted friends, family members and professionals help people understand their choices and make decisions. After all, don't all of us seek support and information when faced with big life decisions?

Every day, we see awesome examples of allies assisting class members to make more effective claims, through:

- careful attention to the details of each person's life
- involving those who know them best
- listening to behaviour
- empathy (and even a little ESP)
- research into their histories
- open-heartedness, sharing the pain
- careful questioning
- connections with other survivors
- assistance to family members - multiple generations
- story-telling - and not just with words
- well-supported site visits to HRC
- and more...

Will OPGT do this?

Let *US* all resolve to improve the support we provide.

The people who have returned to visit Huronia have suffered horrendously, and yet they are so relieved that we listen, and to become connected among this network that honours them.

Please forward this message to make sure others know about the delay.

Perhaps this provides an opportunity for your local media to report, and let more people know what is happening and why this is so important.

Thank you. **MARILYN DOLMAGE, LITIGATION GUARDIAN**